

Trends in Probation and Parole in the States

By William D. Burrell

Probation and parole play an essential and critical role in the administration of both criminal and juvenile justice. They supervise the vast majority of offenders, and their caseloads continue to grow. In response to the pressures of increased workload, static or declining budgets, and limited public and political support, six strategic trends have emerged. These trends characterize the efforts of probation and parole to meet their mandates and improve their effectiveness.

Introduction

Probation and parole are integral to criminal and juvenile justice in the states. They provide a wide variety of services that are critical to the effective and efficient operation of almost every aspect of the justice system, ranging from law enforcement to sentencing to the release of offenders from confinement into the community. While these community corrections agencies conduct investigations to support judicial and parole decision-making, operate residential and secure custodial facilities and provide free labor to local organizations through community service programs, probation and parole are best known for their role in the supervision of offenders in the community.

This community supervision function is responsible for the bulk of the correctional population in the United States. At the end of 2003, some 4.8 million adults were on probation and parole, compared with approximately 2.1 million adults in jail or prison. Seventy percent of the adult correctional population is under the jurisdiction of probation and parole officers.¹ Juvenile court statistics reveal that probation is imposed in 62 percent of adjudicated delinquency cases and that some 675,000 juveniles are under probation supervision.²

It is challenging to try to describe or discuss probation and parole in this country, not only because of the scope and scale of its operations, but also because of its structure and organization. The phrases “probation and parole,” or “community corrections” are used routinely and would imply a single or unified system. Nothing could be farther from the truth. Probation and parole agencies are a fragmented, heterogeneous collection of organizations found at the federal, state, county and municipal levels, housed in the judicial and executive branches. There are even some private companies and non-profit organizations providing probation services. There are hundreds of departments and offices and thousands of staff committed to the mission of community corrections.

In addition, probation and parole agencies are part of a large, complex and interdependent array of governmental, non-profit and private agencies and organizations that comprise the criminal and juvenile justice systems. Almost no aspect of the work of probation and parole can be considered in isolation, as they are affected by and have an impact on many other agencies.

Despite the challenge of this organizational diversity, it is possible to identify trends that are affecting probation and parole in the states. As with any endeavor, not every

jurisdiction is affected or involved equally. The trends will be discussed in two major areas. The first involves trends in the overall operating environment of probation and parole. The second are trends that can best be described as the strategic responses of probation and parole as they strive to accomplish their mission.

Environmental Trends

The environmental factors that have an impact on probation and parole include organizational structure, workload, resources and funding and legislative/political initiatives and support.

The organizational structure of probation and parole is stable. Unlike the period of the late 1970s and early 1980s when parole came under attack and was abolished in 16 states,³ no large scale efforts are underway in terms of significantly altering the organizational structure of these community-based correctional agencies.

The workload of probation and parole continues to grow. Since 1995, the number of adults on probation and parole has increased 29 percent, compared with 2.9 percent for prisons and 4 percent for jails. The adult probation population has grown steadily since 1990. The projection for adult probation populations is for continued slow but steady growth.⁴

The parole population has shown less annual growth over the past decade, but that is beginning to increase. The huge cohort of offenders incarcerated under the “get tough” sentencing laws passed in the 1980s is now approaching their release dates in large numbers. While the release of many of those inmates will be mandatory (not on parole), many will still be subject to post-release supervision of some type.⁵ Overall, both probation and parole will continue to see modest growth for the foreseeable future.

Because of the complex organizational structure of these services, the resource and funding aspects of probation and parole are complex. The overall state of the economy contributes to the less than rosy picture as all levels of government are experiencing fiscal stress to some degree and money is generally tight. Probation and parole are not popular, high visibility programs with strong political support. Despite the fact that they handle the vast majority of the offender population, probation and parole receive less than 10 percent of the correctional funding from state and local governments.⁶ Probation and parole supervision also lack the constitutional mandates and high public expectations that drive more adequate and stable funding, such as that provided for prisons and public schools.

The political/legislative arena is difficult to characterize in brief. The cost of incarceration is an immense burden on the states, which in turn is forcing changes in release practices. Many legislatures and governors are taking a hard look at alternatives, including sentencing reforms. Almost any conceivable response to the incarceration “problem” will lead to greater reliance on probation and parole. Depending on how extensive the changes are in sentencing or release practices, the impact on probation and parole caseloads and resources could be substantial.

It is not just the legislatures and governors who are looking at this issue. In Arizona and California, voter referenda⁷ on the handling of first time drug offenders resulted in significant changes in policy and increased referrals to probation. In California, 50,335 offenders agreed to participate in the alternative to incarceration program from July 1, 2002 to June 30, 2003. Ninety percent of those were sentenced to probation or were already on probation. The remaining 10 percent were parolees.⁸ It is clear that sentencing reform to relieve the pressure of incarceration will have a substantial impact on probation and parole caseloads.

While the overall environment of probation and parole is stable, this should not be taken as a positive indicator. Workloads are generally too large and they are growing. Budgets are generally inadequate and getting tighter. The uncertain prospect of sentencing reform looms large over a system with little capacity to absorb additional workload without additional resources.

Strategic Trends

The pressure from the external environment obviously only tells one part of the story. The responses of the probation and parole agencies to these pressures (and others) comprise the strategic trends in probation and parole. These are efforts designed to both cope with a large and often unmanageable workload and to improve the quality and effectiveness of services. The trends are strategic in that they are not case-based or a response to the challenges of one program, but redefine the missions and organizational culture of probation and parole. The six strategic trends are: collaboration and partnerships, results driven management, re-emergence of rehabilitation, specialization, technology and community justice.

1. Collaboration and Partnerships. Probation and parole agencies are increasingly recognizing that they can not do it alone. They need the expertise and assistance of others. This is a trend that is emerging throughout all levels of government.⁹ Ironically, line officers have been collaborating for years—with police officers, drug counselors, teachers, psychologists, employment specialists and others—who were also involved with their clients. The critical difference today is that these partnerships are forged at a higher level and are more formal. They involve the sharing of important organizational commodities— staff time and resources, information, decision-making authority and political power. Important and influential decision-makers are involved on a regular basis in the operation of these collaborative programs.

The best example of these formal partnerships is the drug court and other specialty “treatment courts.” Other examples of partnerships include school-based probation, police/probation partnerships, the offender reentry initiative, and collaborative case management and supervision for specific offender groups such as sex offenders, the mentally ill, DUI offenders and domestic violence offenders.

Implications—Collaborations and partnerships would seem to be an easy and smart thing to do. They do, however require some changes for those participating. Roles and

responsibilities need to be discussed and revised to accommodate the new approach. The sharing of resources and decision-making authority can be a difficult concept for traditional bureaucrats. In some instances, statutory or rule changes may be necessary to allow information sharing, particularly with juvenile offenders.

2. Results-Driven Management. The mandate to demonstrate results is part of a larger national and international movement at all levels of government. It is another trend that is transforming government,¹⁰ and probation and parole are no exception. Also known more generically as performance measurement, results-driven management requires that managers and their organizations be able to demonstrate both what they are doing (compliance and accountability) and what they are producing (outcomes or results). It is no longer good enough to be busy with large caseloads and hardworking staff. Agencies need to be productive, delivering the services as expected or required, and producing the results that matter, results that their constituents want. It is not enough to measure against internally set standards and goals—probation and parole must begin to address how they produce “public value.”

Results-driven management requires a substantial investment of agency time and resources. The agency mission, goals and measures must be articulated and agreed upon. Resources, program rules and procedures must be aligned with the mission and goals. Managers and staff must engage in a regular examination and discussion of outcomes and must make those reports available to those outside the agency, who can use this outcome information in determining resource allocations.

Implications—Done well, results-driven management will produce more and better information about the agency’s performance, both good and bad. This information will produce pressure for support of good programs and pressure to fix poor performers. Ultimately, the pressure could demand the elimination of poor performing programs. Information on agency and program performance will inform the budget process and make it more complex at the same time.

3. The Re-emergence of Rehabilitation. Probation and parole were established in this country in the middle of the 19th century. Both were founded on the principle that offenders could change and that the correctional system, and probation and parole officers in particular, had a central role in helping the offender change. In the 1970s, rehabilitation and correctional treatment were attacked as ineffective, and ultimately abandoned. The driving forces behind the attack were largely political (the “get tough on crime” movement), although a well-timed academic study was distorted to undermine the effectiveness of correctional treatment.¹¹ By the start of the 1980s, states were well on their way to erasing all traces of rehabilitation from corrections, including probation and parole.

At the same time, a small group of Canadian researchers was assembling a body of research that suggested that correctional rehabilitation was indeed effective, if done well. Over the decade of the 1980s and into the 1990s, this research continued to grow and provide increasing support for well designed treatment. The body of research became

known as the “what works” literature. Increasingly, probation and parole agencies are becoming aware of this work and are adopting it.

The research is an important foundation for the effort to return to rehabilitation, but the bridge must be made to practical application if its full potential is to be reached. Two other developments have embraced the idea that correctional treatment works, and they are having a profound impact, having bridged the gap between theory and practice.

In 1989, the first drug court was established in Miami. Judge Stanley Goldstein and his colleagues developed the first drug court out of frustration for the revolving door that seemed to characterize his courtroom when dealing with drug offenders. The drug court is based on rehabilitation of the drug offender, not just incarceration. The success of the drug court model is widely known and the concept has spread across the country with great speed.¹² It was suddenly acceptable to talk openly about treatment and rehabilitation.

The second development is the prisoner reentry initiative, begun in the late 1990s. Re-entry is based on the recognition that hundreds of thousands of inmates who were incarcerated during the “get tough” era from 1980 on will soon be released from prison. What is noteworthy is that these inmates did not have the benefit of the correctional programs and treatment that formerly characterized a stay in prison. At best, these inmates will be no better off than when they went in, and more likely will pose a greater risk of re-offending as the result of their time inside the prison.¹³

The re-entry model views the period of incarceration as time when inmates should be participating in programs and treatment to better prepare them to return to the community. The incarceration should be followed by a graduated release back into the community, followed by supervision in the community by a parole officer, who is charged with assisting the offender with the transition to freedom. The re-entry concept embraces the rehabilitative model throughout all three phases.

Implications—Embracing the rehabilitative model requires a significant role redefinition and organizational change for probation and parole. An entire generation of staff has grown up in the field without exposure to treatment and rehabilitation. One of the key findings of the ‘what works’ research is that treatment cannot be done in a slipshod manner and be effective. The large caseloads that currently epitomize probation and parole will significantly hinder the ability of officers to follow the principles of effective treatment. Additional resources or a realignment of resources will be necessary. Changing the mission of community corrections will also have political implications, for there are still many who believe strongly that incarceration is the most effective way to deal with criminals.

4. Specialization. As the problems facing society have grown more complex and challenging, so have the offenders who are sentenced to probation or released to parole. Today, the average agency caseload includes adult and juvenile offenders with alcohol

and drug addictions, the mentally ill, sex offenders, drunk drivers, gang members, violent offenders and offenders with combinations of all of the above.

As the number of these “special needs” offenders grew, probation and parole agencies began to specialize their services. In the beginning, this meant putting all of the like offenders in one caseload. Staff assigned to those caseloads then began to develop experience and gained specialized expertise through training. As the knowledge about these cases grew, the nature and type of supervision changed. Caseloads were limited in size, and supervision was targeted to the special needs of the population. Officers began to consult with specialists and treatment providers from other agencies, providing more comprehensive services. Lastly, probation and parole agencies began to enter into formal partnerships with other agencies to provide more comprehensive supervision for these offenders.

Today it is commonplace to see a full array of specialized caseloads and even units in all but the smallest of probation and parole departments. This development is mirrored in the professional literature, which reflects an increased depth and sophistication about effective supervision and treatment strategies and techniques.

Implications—Specialization almost always requires additional resources for smaller caseloads, specialized training, purchase of treatment services and perhaps even hiring of specialists to provide services directly, if the numbers warrant. This approach poses particular problems for small departments, which have neither the number of cases to support specialization nor sufficient numbers of staff to specialize. Yet these departments still have the problematic offenders on their caseloads.

5. Technology. America’s pursuit of the better mousetrap has penetrated probation and parole. The private sector is offering products that use a variety of electronic and chemical technologies to help monitor behavior and detect violations. Electronic monitoring is probably the best known, and includes global positioning satellite systems, the well-known ankle bracelet and voice verification systems. Vendors offer a full array of drug testing products that use urine, saliva and hair to detect drug use. The handheld breathalyzer can detect alcohol use, and that same technology has been incorporated into the ignition interlock, which prevents an intoxicated person from starting a vehicle. One product now on the market tests pupil response to determine if the subject is currently under the influence of drugs.

With sex offenders, software is available that can monitor the offender’s computer use and report to the probation or parole officer what Internet sites the offender has visited. The polygraph is used frequently to monitor the truthfulness of sex offenders. Advances in computer software and improved interfaces between systems make it much easier for agencies to share information across jurisdictional and state lines.

Implications—As technology advances and becomes less expensive, it becomes more attractive and affordable to probation and parole. One big challenge that must be considered is how the system will respond to the increased ability to detect illegal

behavior. With extra “eyes and ears” watching the offenders, officers will be confronted with additional violations. How will the system handle these cases? Are there effective strategies that can be used? Failure to respond effectively will undermine the effectiveness of the technology.

Technology almost always costs money. Some agencies pass the cost on to the offender, but for some technologies (computer interfaces) and some offenders (those who are indigent), that is not possible. Any contract with a vendor raises concerns about the bidding and contracting process. There may be statutory and regulatory changes required allowing the use of certain technologies. Monitoring technologies raise a critical staffing issue. Notifications about violations can come from electronic monitoring systems at any hour of the day or night. Who will respond, or will there even be a response at 4:00AM? Real time monitoring does not fit into a traditional work schedule.

6. Community Justice. Dissatisfaction with the traditional justice system and its almost exclusive focus on the offender has generated a new paradigm called community justice. Under this approach, the justice system expands its focus beyond just finding and sanctioning the offender. The victim of the crime and the community itself are brought in to participate, and the process of justice expands from just sanctioning the offender to include restoring the victim and the community. The process also includes community-based problem-solving to prevent future crime. The justice system and the community join together to take a proactive, preventive and holistic approach to crime prevention.

A community justice system provides a role for the victim and dispositions of cases are likely to feature restitution and community service. It also provides a role for the community, and that can include advisory boards or something similar to Vermont’s reparative boards, where citizens play a role in determining the disposition of the case.¹⁴

Implication—Adoption of a community justice model has profound implications for the justice system. It involves a fundamental re-tooling of the mission and roles of all components of the system, significant training requirements, partnerships with the community, and may require statutory changes to support its implementation.

Conclusion

The trends discussed above illustrate not only the forces that are affecting probation and parole, but also how the field is responding in an effort to accomplish its mission and improve its effectiveness. This is a critical point, because probation and parole play a critical role in achieving the fundamental purpose of the justice system—preventing crime and ensuring the safety of citizens and the community. No matter whether the focus is probation or parole, adult or juvenile, county or state, the effectiveness of these agencies has implications throughout the justice system, the community and society as a whole. Several examples illustrate the impact of probation and parole:

1. Violations of probation or parole—offenders who violate the conditions of their supervision can be revoked and sentenced to jail or prison. A less effective program of

supervision can result in more revocations and people sent to jail or prison, exacerbating the crowding in the correctional institutions.

2. Confidence of judges and paroling authorities—if the key decision-makers have confidence in the supervision provided, they will be more likely to sentence to probation or release to parole. This can reduce jail and prison crowding.

3. Demand for other justice services—if probation and parole are not effective in supervising and controlling their caseloads, the offenders will commit additional crimes and increase the demand on police, prosecution, defense, courts and corrections.

4. Smooth functioning of the justice system – as noted at the outset, probation and parole in particular play a role in almost all aspects of the justice system. An effective and efficient system is reliant on probation and parole to carry out their role and work well with their partners.

5. Public confidence and expectations—the effectiveness of probation and parole can generate public confidence and garner political support if they meet the expectations of the citizens.

6. Community safety—probably the most important aspect of the effectiveness of probation and parole is that it can have a significant impact on public safety when it is done well.

All of the trends—environmental and strategic—clearly point to a continuing central role for probation and parole in the criminal and juvenile justice systems. The consequences of these efforts are also clear. Improved performance of probation and parole will lead to less crime and increased safety. Investment in increased capacity and capability to deliver effective probation and parole services will provide a valuable return in justice and safety for the community.

Notes

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2 Charles Puzzanchera, et al, *Juvenile Court Statistics 1999*, (Pittsburgh, PA: National Center for Juvenile Justice. July 2003), 38.

3 Joan Petersilia, *When Prisoners Come Home: Parole and Prisoners Reentry*, (New York: Oxford University Press, 2003), 65.

4 Allen J. Beck, “Trends in Community Corrections,” (Presentation to the Community Corrections Research Network, Washington, DC. October 19, 2004).

5 Ibid.

6 Joan Petersilia, "A Crime Control Rationale for Reinvesting in Community Corrections," *Prison Journal* 74, no. 3 (1995): 479-96.

7 Proposition 200 in Arizona and Proposition 36 in California.

8 Douglas Longshore, et al, *Evaluation of the Substance Abuse and Crime Prevention Act: 2003 Report*, (Los Angeles: UCLA Integrated Substance Abuse Programs, September 2004.)

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10 Ibid., 12-13.

11 Robert Martinson, "What Works? Questions and Answers About Prison Reform," *The Public Interest*, (Spring 1974): 22-54.

12 James L. Nolan, Jr., *Reinventing Justice: The American Drug Court Movement*, (Princeton, NJ: Princeton University Press, 2001).

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14 David R. Karp, "Does Community Justice Work?" *Perspectives* 27, no. 1 (Winter 2003): 32-7

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