

PERSPECTIVES

THE JOURNAL OF THE AMERICAN PROBATION AND PAROLE ASSOCIATION




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president's message

Growth is defined as the process of “growing in physical size.” Our profession has grown considerably as more and more policymakers have turned to us in their effort to reform criminal justice practices across the nation. Over the last few years, community corrections practitioners and researchers have cautioned against the unintended impacts of reducing mass incarceration; namely, the dramatic growth we see now in justice-involved individuals being sentenced to probation and released to parole. The reinvestment in community solutions for justice-involved individuals, as opposed to prison, has created significant dilemmas for the field of community corrections. The Pew Charitable Trust report, “Probation and Parole Systems Marked by High Stakes, Missed Opportunities,” suggests that 1 out of 55 Adults is under community supervision. The report goes on further to say:



ERIKA PREUITT
PRESIDENT

Nationwide, 4.5 million people are on probation or parole—twice the incarcerated population, including those in state and federal prisons and local jails. The growth and size of the supervised population has undermined the ability of local and state community corrections agencies to carry out their basic responsibilities to provide the best public safety return on investment as well as a measure of accountability. Although research has identified effective supervision and treatment strategies, the system is too overloaded to implement them, so it sends large numbers of probationers and parolees back to prison for new crimes or for failure to follow the rules.

This is sobering news, but it provides an important opportunity for the field to examine its practices and effectiveness. This issue of *Perspectives* focuses on research and the experiences of several jurisdictions as they attempt to address this trend by examining parole revocations. In fact, the last few issues of *Perspectives* have journeyed to tell the story of jurisdictions using data to inform positive changes to the justice system.

These system changes include reducing reliance on jail, improving fidelity to core correctional practices, cognitive behavioral interventions, and examining the length of community supervision. Community corrections continues to transform to affect

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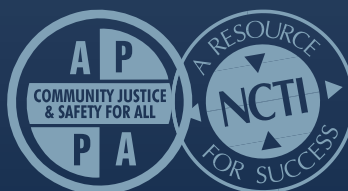


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The growth of our profession in recent decades tells us that policymakers and the public understand our business better than ever before and see it as a valuable, integral part of criminal justice reform.

meaningful behavior change. With an emphasis on responsible resource management and addressing social justice issues, this is a defining moment for the community corrections field. Policymakers are placing their confidence in proven practices guided by research and science. Despite these efforts, recidivism rates in many jurisdictions remain flat. Momentum must be gained to develop standards that all community corrections agencies can gravitate to regardless of jurisdictional differences. In March 2019, APPA was honored to host its inaugural Executive Summit that attracted over 100 community corrections leaders to discuss the future of our field. There was a call to action to expand collaboration and communication, becoming resources to one another. For our industry to move forward, we need to strengthen our resolve to engage in and agree on practices that are foundational to this work.

The growth of our profession in recent decades tells us that policymakers and the public understand our business better than ever before and see it as a valuable, integral part of criminal justice reform. It is our challenge as an industry to remain courageous, boldly changing our narrative. We must continue to align our practices with science and fidelity to effective models of supervision for youth and adults. Status quo is no longer acceptable; we must transform. It is incumbent on us to strongly establish our role in the criminal justice system by focusing on our long-term impact on public safety. We have the multiplying effect of helping justice-involved individuals change their behaviors, restore their families, and build stronger communities.



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While the United States has moved beyond the “get tough” era, we are still feeling its lingering effects. Prison populations remain significantly higher than pre-1970s era, jails face overcrowding and burdens of providing care to individuals with significant mental health issues, and 1 in 55 adults are still under some level of correctional control. Over the past 15 years, there have been significant efforts to reform the criminal justice system. Initially focused squarely on the prison’s front door, there has been a growing interest on the backend of the system as well. Releasing authorities, often referred to as parole boards, are responsible for releasing nearly one million people from incarceration each year. Furthermore, they are responsible for setting conditions of parole and often oversee revocation hearings.

Over the past quarter of a century, there have been significant challenges to releasing authorities. During the end of the “get tough” era, several states eliminated parole boards and transitioned to determinate sentencing structures, while others maintained relatively broad discretion. Recently, there has been a renewed interest in understanding how parole boards operate, their impact on prison and parole populations, and their ability to help impact justice-involved individuals’ lives. This issue of *Perspectives* takes a deeper dive into understanding releasing authorities and highlights some states that have engaged in significant reform efforts to impact the backend of the criminal justice system.

The first article written by Matthew DeMichele, Samuel Scaggs, Thomas Scott, and Erin Kennedy provides a review of the data regarding parole populations, as well as

revocation data. They illustrate that parole revocations are a primary driver of prison populations, even in the face of frontend reforms. The next article written by Edward Rhine provides an overview of the current state of paroling authorities. He helps us understand the parameters that paroling authorities operate under and how the state's sentencing structure impacts the role of a parole board. He then offers three areas in which the United States should continue to explore as it grapples with large prison and parole populations. The third article explores ways in which Missouri has increased early discharge opportunities and the impacts of this reform on prison populations. And the fourth article, written by Kristofer Bret Bucklen, highlights the changes that have occurred in Pennsylvania over the last 15 years—culminating in continued plans for the future. With any reform, there are always potential risks. Jeffery Lin highlights how parole reform can be impacted by a single, traumatic event and how systems can “protect” themselves from an “n of 1” event derailing parole reform.

Regardless of which state you live and work in, paroling authorities play a significant role in shaping criminal justice populations. This issue of *Perspectives* offers readers an opportunity to look into a relatively unknown process and understand the pressures of states and their releasing authorities, while engaging in criminal justice reform efforts.



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instructions to authors

Perspectives disseminates information to the American Probation and Parole Association's members on relevant policy and program issues and provides updates on activities of the Association. The membership represents adult and juvenile probation, parole, and community corrections agencies throughout the United States and abroad. Articles submitted for publication are screened by an editorial committee and, on occasion, selected reviewers, to determine acceptability based on relevance to the field of criminal justice, clarity of presentation, or research methodology. *Perspectives* does not reflect unsupported personal opinions. Articles must be emailed to perspectives@csg.org in accordance with the following deadlines:

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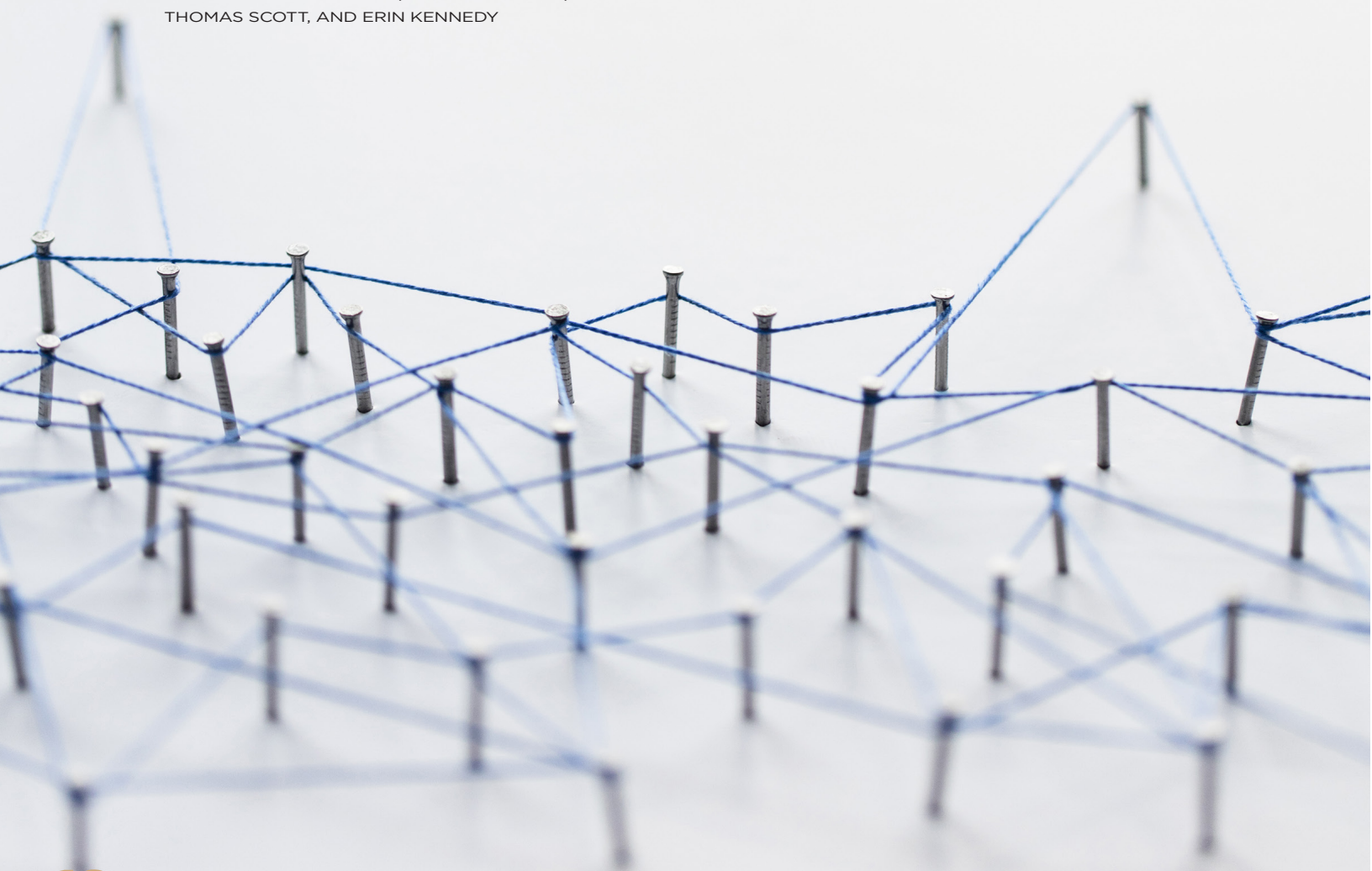
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HOW CONCERNING ARE PAROLE REVOCATIONS TO CORRECTIONAL REFORM? LEVERAGING DATA COLLECTED BY THE BUREAU OF JUSTICE STATISTICS TO DESCRIBE CHANGES IN PAROLE

BY MATTHEW DEMICHELE, SAMUEL SCAGGS,
THOMAS SCOTT, AND ERIN KENNEDY



THE CURRENT STATE OF PAROLE

As readers of *Perspectives* are well aware, in the United States there are roughly two million adults incarcerated in jails and prisons, another 3.8 million on probation, and roughly 900,000 adults on parole (Kaeble & Cowhig, 2018). These figures dwarf those found in other criminal justice systems across the globe. Regarding parole, which is the focus of the current paper, the rate of parolees per population is almost 4.5 times greater in the U.S. compared to Europe (Zyl Smit & Corda, 2018).

The National Academy of Sciences conducted a thorough review of the causes and consequences of mass incarceration and demonstrated the impact of “legislated policies” and “changes in police practice, the behavior of prosecutors and judges, and the administration of parole” in facilitating incarceration growth (Travis et al., 2014, p. 24). These changes in policy and practice resulted not only in much higher rates of incarceration but also in extreme growth in the community corrections populations (DeMichele, 2014).

Many reforms are underway to reduce the size and composition of incarcerated populations. For instance, the ACLU hopes to cut prison populations by nearly 50%, while others are grappling with reducing jail populations or fostering pretrial reforms. Such endeavors are paramount to improving justice in America, as they seek to alleviate the causes and consequences of mass incarceration. It is worth noting, however, that most large reform efforts do not focus on probation and parole despite the fact that most of the correctional population is supervised in the community. Broadly speaking, conversations about correctional trends typically focus on the incarcerated population, with little mention of community corrections. When community corrections reforms arise, they are usually in the context of increasing community supervision to decrease the more costly form of punishment, incarceration.

An ongoing discussion pertaining to parole revolves around the issue of revocations. Some have voiced a concern that revocations, especially for technical violations, are hindering efforts to reduce prison populations in the U.S. For example, the Pew Charitable Trusts examined one year of data on probation and parole and highlighted in its subsequent issue brief that “supervision failures are a major driver of incarceration” and “revocations are a major source of imprisonment in many states” (2018).

One core question we need to answer is how serious the effect of parole revocations is on the criminal justice system, but it is difficult to find reliable information that

allows us to answer this question (Gaes, Luallen, Rhodes, & Edgerton, 2016). Even so, history shows us that reform efforts typically start before data are available to provide (or fail to provide) support for them (Tonry, 2009; Walker, 1998). Without a doubt, the growth in corrections populations is a major social issue, and reducing populations is important. Our analysis of recent (2000-2014) trends in parole and prison admission populations will help assess whether revocation rates have changed enough to influence prison growth.

We found that there has been shockingly little change in the percentage of prison admissions that are a result of a revocation in most states. The stability in prison admissions resulting from a parole revocation and the declining prison admission rate (Carson, 2015) suggest revocations have not hampered reform efforts across the country. In pointing this out, we are not arguing that lower revocations are not desirable, because they are. However, knowing that admissions for revocation have changed little suggests that corrections field professionals and reformers should identify data-driven policies that will have the intended effect of reducing prison populations.

DATA AND METHODS

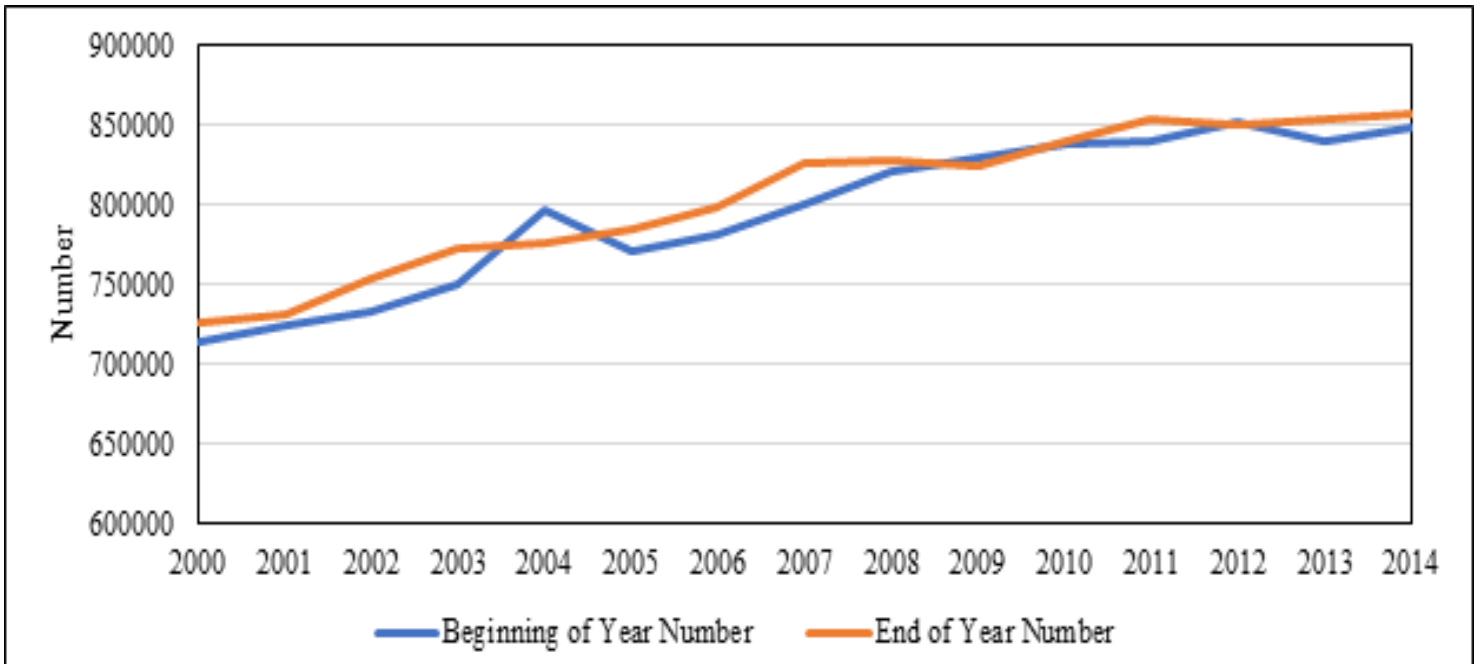
Our study primarily explores this issue by analyzing data from the Bureau of Justice Statistics (BJS) in its Annual Parole Survey (APS) and National Corrections

Reporting Program (NCRP). We focus on two aspects of this data. First, we describe how the size of the national parole population changed between 2000 to 2014. Second, we determine how the proportion of state prison admissions due to a revocation changed over the same period. For both analyses we examine national trends while recognizing the importance of state-level variation on national statistics. We carefully examine the pertinent changes from 2000 to 2014 and present these in several figures that help visualize changes in both parole populations and prison admissions.

THE PAROLE POPULATION: APS SHOWS STEADILY GROWING PAROLE POPULATION

While growth in the prison population peaked and reversed in the 2000s, the APS shows that the parole population steadily increased between 2000 and 2014. Figure 1 shows an 18% increase in both the total beginning-of-year and end-of-year parole populations from 2000 to 2014. The number of adults on parole increased from around 700,000 to over 850,000. It is important to remember this growth when looking at changes in the number of parolees imprisoned because of a revocation over this time (shown in Figure 2).

FIGURE 1. PAROLE POPULATION GREW BETWEEN 2000 AND 2014

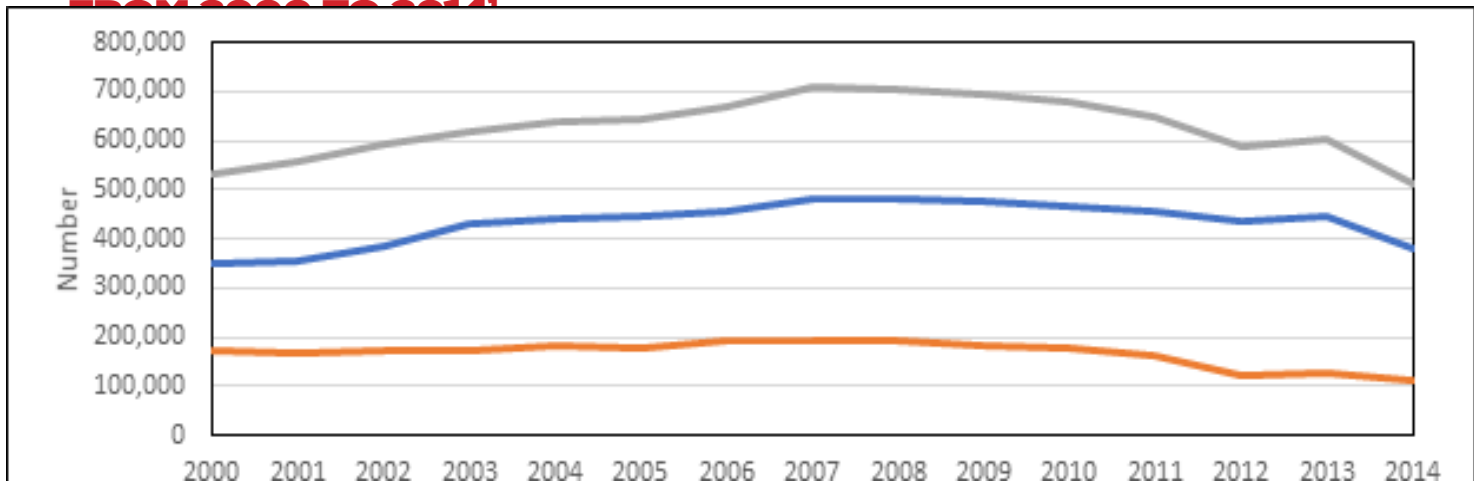


Source: Annual Parole Survey, 2000-2014

PRISON ADMISSIONS: NCRP SHOWS LITTLE CHANGE IN ADMISSIONS DUE TO A PAROLE REVOCATION

Based on the large increase in the parole population (Figure 1), it is natural to think that the number of parole revocations also increased during this time. Interestingly, as Figure 2 demonstrates, this is not the case. Figure 2 shows that although the number of admissions due to a parole revocation increased slightly from 173,846 in 2000 to 193,820 in 2009, it decreased considerably to 110,077 in 2014. This change was a 43% decrease from its peak in 2007 to 2014. Importantly, interpreting this figure out of context can be misleading, since key states (e.g., California) experienced substantial changes in the number of people being imprisoned, and the population size of the state can distort national figures.

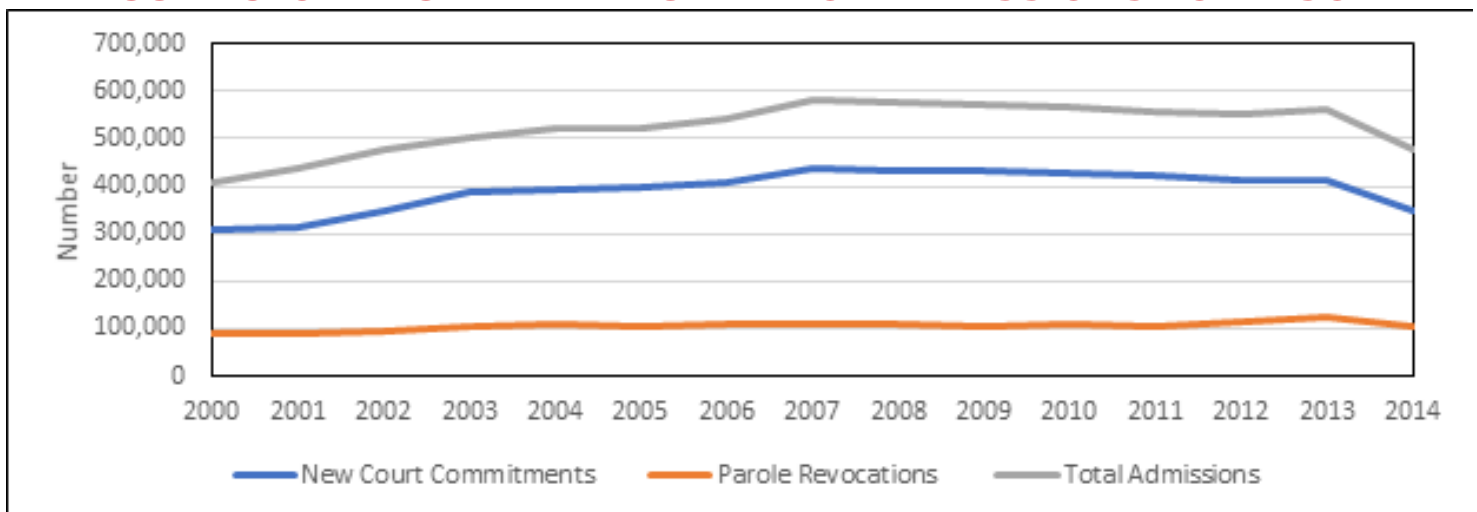
FIGURE 2. CHANGE IN THE NUMBER OF ADMISSIONS TO PRISON FROM 2000 TO 2014



Source: National Corrections Reporting Program

By excluding California, we can obtain a more accurate understanding of how the national number of prison admissions due to a parole revocation changed in relation to the increasing national parole population. Figure 3 shows the same trends as Figure 2 but excludes California. This figure displays a less dramatic change in admissions due to parole revocation during this period. Specifically, the number of admissions due to a parole revocation fluctuated between 91,317 in 2000 and 104,399 in 2014. When excluding California, we see that admissions to prison for a parole revocation remained stable. This means that, despite a growing parole population, prison admissions due to a parole revocation remained stable for 49 of the 50 states, and California’s trend was driving any appearance of increasing admissions due to a revocation.

FIGURE 3. CHANGE IN THE NUMBER OF ADMISSIONS TO PRISON FROM 2000 TO 2014



Source: National Corrections Reporting Program

Now we shift our focus to what we believe is more interesting and important to parole reform than the number of prison admissions due to a parole revocation: the percentage of prison admissions that are due to a parole revocation. If parole revocations really have been driving mass incarceration or are actively hindering decarceration, we should find that their contribution to total prison admissions increased over time. In fact, we find a picture that is similar to the number of prison admissions due to a parole revocation. Specifically, the proportion of prison admissions due to a parole revocation remained stable from 2000 to 2014. Before showing this figure, we must describe how we handled data from states with a large amount of missing data or extreme trends, which could misrepresent the national average.

Through working with the NCRP data, we discovered that multiple states were missing a large amount of information over time, and some states appeared to stand out as extreme in the changes they reported about their proportion of prison admissions due to a parole revocation. To obtain an average state trend that is not biased by extreme values or missing data, we present multiple trends that differ in their level of disaggregation in Figure 4.

The first series (blue line) in Figure 4 shows data on all 50 states. The second series (orange line) removes 16 states that have problematic patterns of missing information—especially for admission type—from 2000 to 2014.² The third series (green line), with 28 states, excludes five more states with the largest count changes in admissions due to a parole revocation (Pennsylvania, Missouri, Kentucky, California, and Louisiana). Finally, the fourth series (red line) only includes these five states. Figure 4 shows that states with the largest changes (red line) are driving national trends in the percentage of admissions due to a parole revocation. Specifically, the five states with the largest changes in the percentage of returns due to a parole revocation have relatively higher percentages compared to other states until 2011, when they experienced a pronounced decline.

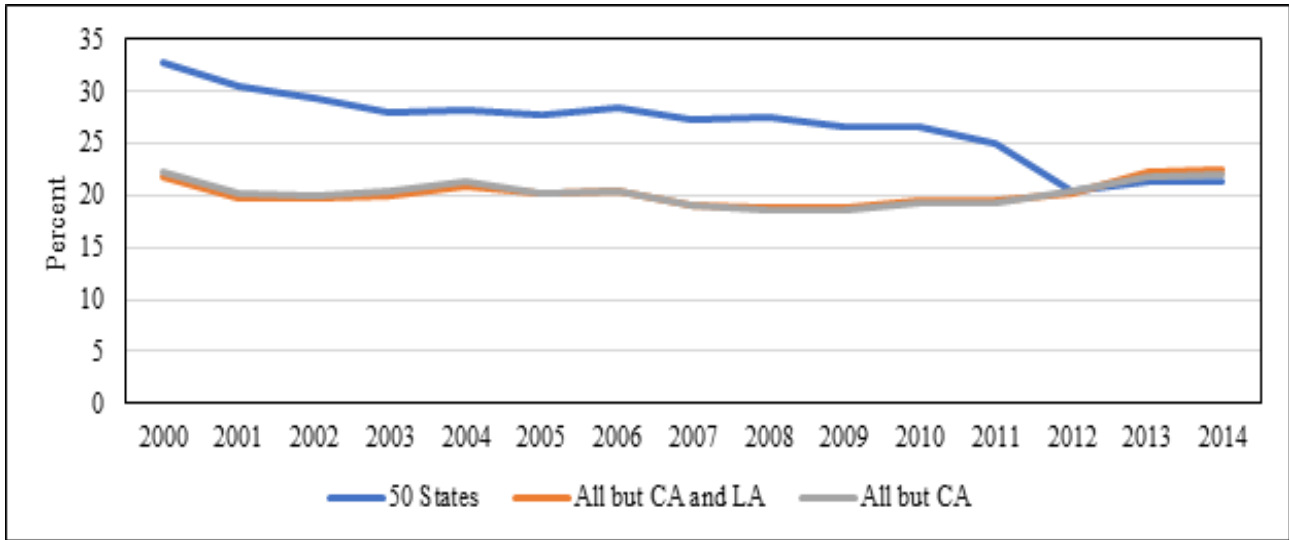
FIGURE 4. FOR MOST STATES, PERCENT OF PRISON ADMISSIONS DUE TO A PAROLE REVOCATION DID NOT CHANGE BETWEEN 2000 AND 2014



Source: National Corrections Reporting Program

To gain a better understanding of what the trends in prison admissions due to a parole revocation look like for these five states, we examined each state’s trend in Figure 5. Looking at Figure 5, we see that during this period, the proportion of prison admissions due to a parole revocation decreased in California and Louisiana and increased in Kentucky, Missouri, and Pennsylvania. Figure 5 indicates that California appears to be driving the recent aggregate drop in the overall percentage of returns resulting from a parole revocation across states.

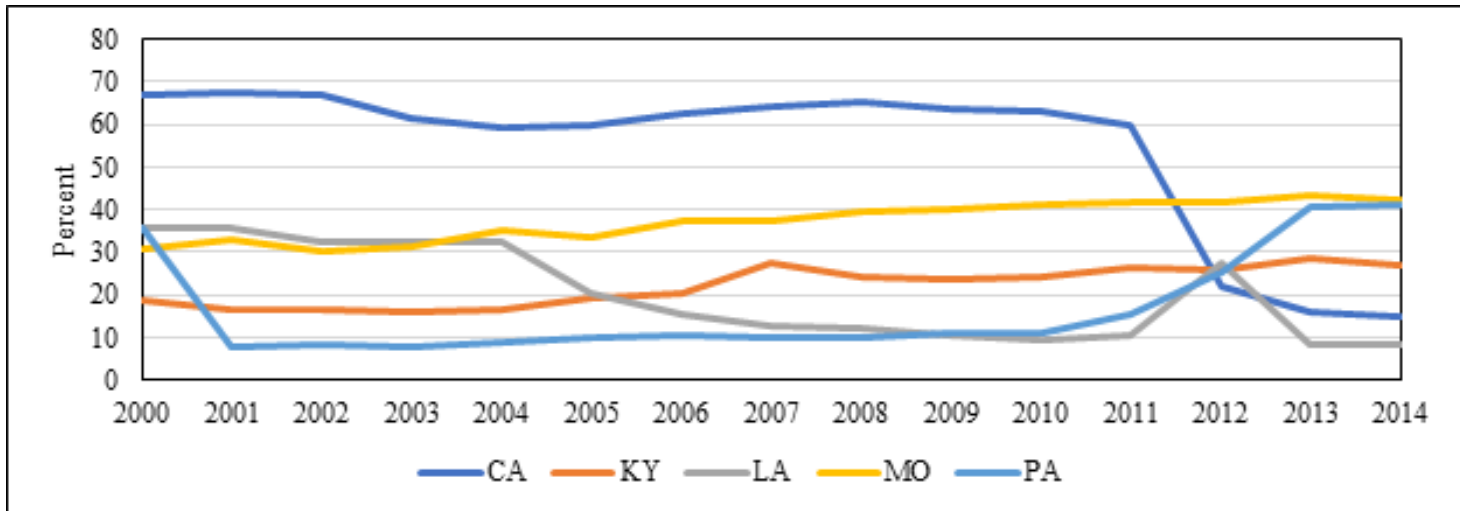
FIGURE 5. FIVE STATES WITH THE LARGEST CHANGE IN ADMISSIONS DUE TO A PAROLE REVOCATION



Source: National Corrections Reporting Program

In Figure 6, we further evaluate whether California alone is driving the national decline in the proportion of prison admissions due to a parole revocation. Figure 6 shows how change in this proportion compares across (1) all states, (2) all states except California and Louisiana (the two states with the largest decline), and (3) all states except California. The series showing the removal of California and Louisiana is virtually indistinguishable from the series that only removes California, which suggests the change reflected here is essentially being driven by California alone. This finding reemphasizes that if one or a few large states experience a sizable change, their data can influence national statistics. It also shows that after removing California, the national proportion of prison admissions due to a parole revocation changed little between 2000 and 2014.

FIGURE 6. NATIONAL DECLINE IN PERCENT OF ADMISSIONS DUE TO A PAROLE REVOCATION IS DRIVEN BY CALIFORNIA ALONE



Source: National Corrections Reporting Program

CONCLUSION

The appropriate use of the criminal justice system is one of the most pressing issues facing American society, as we are excessively relying on the criminal justice system to handle an increasing share of society's problems (e.g., homelessness, mental health issues, and drug addiction). The tendency to resort to criminal justice responses for a growing number of issues led sociologist Johnathan Simon to refer to criminal justice policies as *Governing through Crime* (2007). Other researchers have written about mass incarceration, and more recently the overuse of jails has gained attention, but—as mentioned earlier—there is still a surprising lack of empirical research studying the growth in community corrections.

The lack of research about community corrections trends has created a blind spot in our ability to understand how incarceration trends are related to changes in community corrections. More troubling, however, is that this blind spot hampers the development of ambitious transformative efforts to increase fairness, reduce bias, and foster community integration without harming public safety. Many such efforts are under way to revamp the use of the criminal justice system. Under the auspices of The Pew Charitable Trusts, experts have spent the better part of the 2000s working with states to find cost-effective ways to reduce prison populations. The MacArthur Foundation, through its Safety and Justice Challenge, is working directly with local governments to reduce jail populations. The ACLU has been working on a goal of reducing prison populations by 50%. These

and other reform efforts have led states to take bold and creative steps to reduce incarceration rates. Surprisingly, however, there are few calls or ambitious plans to reduce probation and parole populations.

Many reformers see the community correctional system as an answer to mass incarceration. It is common to suggest using community corrections as an alternative to incarceration. Although this is a potentially worthwhile effort, probation and parole agencies are already stretched thin, with budgets that have not increased alongside population growth. Agencies are told to do more with the same amount of funding. It is hard to say why there has been so little attention paid to the unprecedented growth in community corrections.

The current paper emerged from our curiosity regarding admissions to prison because of a parole revocation. Data limitations prevented us from taking a sophisticated statistical approach, but we were able to show rather simply that admissions due to a parole revocation have decreased nationally. In 2000, revocations accounted for about one-third of prison admissions and, by 2014, revocations made up one-fifth of admissions. Of course, national patterns are driven by state-level differences, with larger states often accounting for corrections patterns. Removing California showed that admissions for a revocation have remained stable over the past 15 years. California has made major policy changes that resulted in huge reductions in their admissions to prison.

Something else worth considering is that admissions due to a revocation remained stable during a time in which parole populations grew. We looked at the percent of admissions due to

Many reformers see the community correctional system as an answer to mass incarceration.

**However,
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parole revocations because the growing total population (the denominator) could hide an increasing number of admissions due to a parole revocation. We found that, on average, there are about 100,000 admissions due to a parole revocation each year.

In many ways, our results generate more questions than they answer. For example, how was the proportion of prison admissions due to a parole revocation able to remain stable during a time when crime was declining, the imprisonment rate was declining, and the parole population was increasing? How were parole officers and boards able to contend with already large caseloads when prison downsizing increased the parole population? How do parole sanction policies relate to crime rates? What is the optimal revocation rate to maintain public safety? Are parole revocations a serious impediment to reforming mass incarceration? As the parole population continues to increase, the need for research to address these issues is only growing in importance.

We provide three suggestions for future research. First, future research should use two longitudinal databases: The National Corrections Reporting Program and the Annual Parole and Probation Survey. These datasets can be combined with other data to understand the contextual factors related to a host of issues connected to parole populations. Second, future research should conduct detailed investigations into how state-level community corrections policies and practices vary. In this edition of *Perspectives*, several authors provided detailed accounts of state paroling structures

(Rhine), organizational differences (Lin), and state paroling authority practices (Austin). These researchers have provided a foundation upon which additional analyses can investigate how various state specific practices influence revocations. Lastly, more is needed to understand the composition of revoked populations. This includes detailed assessments of the individuals being revoked (e.g., race, age, gender), the reasons for revocation (e.g., new crime), and the process for revocation (e.g., sentencing procedures).

Although mass incarceration is a helpful term, it overlooks the simultaneous growth in other forms of correctional populations – such as probation and parole. Unfortunately, we know little about the relationships between these different forms of corrections and how states use them as an overall punishment strategy. We know even less about the drivers of mass incarceration. However, one thing is clear—parole revocations are not a primary explanation for prison growth (Pfaff, 2017).

Criminal justice reform efforts are essential to ensuring safety, fairness, and resiliency. Community supervision is by far the largest part of the corrections systems and, as such, probation and parole touch the lives of millions of people on supervision as well as their families. Criminal justice reforms are too important to allow for the current blind spot in our understanding of parole and revocations.

ENDNOTES

¹ This figure excludes other admissions and missing data which also are included in total admissions.

² These states included Delaware, Washington DC, Arizona, Idaho, Kansas, Indiana, Massachusetts, Maine, Montana, New Mexico, Rhode Island, Wyoming, Alaska, Florida, Maryland, and Oregon.

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APPENDIX

Appendix A. Summary of Available (“Non-Missing”) Data by Admission Year Among States																
Year	States															
	AK	AZ	DC	DE	FL ³	ID	IN	KS	MA	MD ⁴	ME	MT	NM	OR ⁵	RI	WY
1991			X		X					X				X		
1992			X		X				X	X	X			X		
1993			X		X				X	X	X			X		
1994	X		X		X				X	X	X			X		
1995			X		X				X	X	X			X		
1996			X		X					X	X			X		
1997					X					X	X			X		
1998	X				X					X	X			X		
1999	X				X					X	X			X		
2000	X	X			X					X	X			X		
2001	X	X			X					X	X			X		
2002	X	X			X		X			X	X			X		
2003	X	X			X		X			X				X		
2004	X	X			X		X			X				X	X	
2005	X	X			X		X			X				X	X	
2006	X	X			X		X			X				X	X	X
2007	X	X	X		X		X			X				X	X	X
2008	X	X	X		X	X	X			X				X	X	X
2009	X	X	X	X	X	X	X			X				X	X	X
2010	X	X	X	X	X	X	X		X	X		X	X	X	X	X
2011	X	X	X	X	X	X	X	X	X	X		X	X	X	X	X
2012	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
2013	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
2014	X	X		X	X		X	X	X		X	X	X	X	X	X

X=Data available

³ Florida eliminated parole in 1983 so its percentage of admissions due to parole revocations gradually decreased and dropped below 4% after 1994.

⁴ Maryland did not have any counts of admissions due to a parole revocation before 2013.

⁵ Oregon did not have any counts of admissions due to a parole revocation after 1997.



PAROLING AUTHORITIES, STATES' SENTENCING STRUCTURES, AND SUPERVISION

BY EDWARD E. RHINE

Parole authorities make decisions that carry significant implications for correctional populations across the country (Kaeble 2018). Annually nearly one million individuals are released or supervised under conditions set by paroling authorities. The breadth of their authority and the amount of leverage they exercise give them the ability to impact many lives, as they may affirm or deny parole, set post-release supervision conditions, and determine whether revocation is warranted for non-compliance with conditions. The extent of discretion these back-end decision-makers possess over individuals' terms of incarceration is sometimes more than that enjoyed by sentencing judges.

At the same time, there is no question that parole boards have experienced dramatic challenges to their operations. Specific criticisms directed at paroling authorities have been addressed elsewhere (Rhine, Petersilia, & Reitz, 2017), but a sizeable number of states have decided to curtail or eliminate their board's discretionary authority to grant release, especially during the last quarter of the twentieth century. The trend is not entirely in one direction, however. In fact, several states that at one point abolished discretionary release on parole later restored it, including Connecticut. Another state did the same, albeit after doubling sentencing lengths for criminal offenses (Colorado). More recently, Mississippi expanded its board's parole-granting function for non-violent offenders. Since the turn of the century, however, no parole board has been abolished outright.

Any analysis of parole-related trends must be mindful of the state-to-state sentencing structures within which these paroling authorities operate. Considerable differences exist among states in policies with regard to discretionary release, and the varied features of their supervision and revocation practices also reflect the states' respective laws and policies. This paper will describe efforts that have been made to classify the sentencing structures in different states and will explain how the paroling authorities work within these structures. Also covered will be the contrasting pathways that exist when navigating the transition from prison to the community within each structure, with a related discussion of some pertinent issues regarding post-release needs. At the conclusion, three recommendations will be made for mitigating offenders' unnecessary exposure to myriad conditions of supervision that all too often lead to non-compliance, revocation and reincarceration, regardless of the sentencing structure (Klinge, 2013; Phelps & Curry, 2017).

STATES' SENTENCING STRUCTURES AND PAROLING AUTHORITIES

In terms of sentencing structures and American paroling systems, states at various points on a wide continuum ranging from indeterminacy to determinacy. At the state

level there is no such thing as a purely indeterminate sentencing system, in which the full duration of a prison sentence is left to the discretion of a parole board, yet no purely determinate sentencing system can be found either. Most jurisdictions exhibit characteristics of both, often varying designated categories of crimes or offenders. Before further classifying paroling authorities, it might be helpful to define the essential characteristics of these contrasting types of sentencing systems (Rhine, Petersilia, & Reitz, 2017, p. 291).

An “indeterminate” prison sentence is one for which an offender’s date of release cannot be predicted with fair accuracy from the court’s sentence at the conclusion of a criminal trial. The length of term will be fixed by one or more decision makers who exercise later-in-time release discretion in a way that is neither routinized nor reasonably knowable in advance.

A “determinate” prison sentence is one for which an offender’s date of release can be predicted with fair accuracy from the court’s judgment at the conclusion of a criminal trial. The length of term may be adjusted by one or more decision makers who exercise later-in-time release discretion in a way that is routinized and reasonably knowable in advance.

What these definitions suggest is that designating a sentencing system as one type or the other involves judgment and, inevitably, some degree of imprecision. In

fact, different experts who have examined this issue are not in agreement about which states have an indeterminate or determinate sentencing structure (Lampert & Weisberg, 2010; Lawrence, 2015; Stemen, Rengifo, & Wilson, 2006). The diversity of opinion, albeit modest, serves as a useful reminder that the terms represent approximations that attempt to reflect what happens to most prisoners most of the time.

Table 1 below (“Status of Parole Boards by State and Sentencing Structure for Most Offenses”) shows which states have retained their paroling authority within an indeterminate system of sentencing. States that have abolished their parole board or dramatically curtailed its discretionary authority to grant release are also listed, noting the year the legislation resulting in a largely determinant sentencing structure was enacted or became effective.

As Table 1 shows, a majority of states (34) have retained the function of parole release housed within indeterminate sentencing systems in which judges impose a maximum sentence and parole boards determine release dates for most inmates. In the other 16 states, which exhibit determinacy in sentencing, parole boards do not decide most offenders’ release dates. They may, however, exercise discretionary authority over “old code” offenders, that is, those convicted prior to the effective date of the determinate sentencing statute and/or inmates serving life sentences. Under both

types of sentencing structures, corrections officials exert an impact through decisions affecting good time provisions or their equivalent, unless such credits were rescinded in the transition to greater determinacy in sentencing.

CHART: STATUS OF PAROLE BOARDS BY STATE AND SENTENCING STRUCTURE FOR MOST OFFENSES

State	Indeterminate Sentencing	Determinate Sentencing	Date Abolished	State	Indeterminate Sentencing	Determinate Sentencing	Date Abolished
Alabama	X			Nebraska	X		
Alaska	X			Nevada	X		
Arizona		X	1994	New Hampshire	X		
Arkansas	X			New Jersey	X		
California		X	1977	New Mexico		X	1979
Colorado	X			New York	X		
Connecticut	X			North Carolina		X	1994
Delaware		X	1990	North Dakota	X		
Florida		X	1983	Ohio		X	1996
Georgia	X			Oklahoma	X		
Hawaii	X			Oregon		X	1989
Idaho	X			Pennsylvania	X		
Illinois		X	1978	Rhode Island	X		
Indiana		X	1977	South Carolina	X		
Iowa	X			South Dakota	X		
Kansas		X	1993	Tennessee	X		
Kentucky	X			Texas	X		
Louisiana	X			Utah	X		
Maine		X	1976	Vermont	X		
Maryland	X			Virginia		X	1995
Massachusetts	X			Washington		X	1994
Michigan	X			West Virginia	X		
Minnesota		X	1982	Wisconsin		X	2000
Mississippi	X			Wyoming	X		
Missouri	X			Total	34	16	

PATHWAYS TO PAROLE AND POST-RELEASE SUPERVISION

Paroling authorities in states that retain discretionary authority to grant release typically do so tied to the expectation that a period of parole supervision will follow. In determinate sentencing jurisdictions, two additional pathways for exiting prison are available, both likewise involving post-release supervision: mandatory release and supervised release. Those leaving incarceration via these pathways do so after serving a fixed period of their original sentence but with their release date moved up due to their having accrued good time or other credits during confinement. The decision regarding release and subsequent supervision is made by judges in the framework of the determinate sentencing structure by which they are bound. The parole board has no authority over such release decisions or dates.

The most recent information available on offenders subject to the different forms of post-release supervision is provided by the Bureau of Justice Statistics' report on probation and parole for 2016 (Kaeble, 2018). Across the states, a reported 377,506 offenders commenced parole under one of these three options. The largest number, 187,052 (56%), exited prison to parole supervision. Mandatory releases accounted for 116,303 (35%), while the smallest group, supervised releasees, totaled 30,794 (9%). It is noteworthy that mandatory and/or

supervised release are found in at least 18 states with indeterminate sentencing and discretionary release on parole. (See Appendix Table 6 in Kaeble, 2018, for definitions of parole supervision and mandatory release/supervised release, as well as for the sorting of each by state.)

THREE RECOMMENDATIONS FOR RECASTING THE SUPERVISION NET AT THE "BACK END"

Parole or post-release supervision has for the most part shown steady, incremental growth since the turn of the century. At the end of 2016, there were roughly 874,800 adults on parole, increasing by nearly 21% since 2000 and resulting in 349 per 100,000 adults being subject to parole—a slight dip from 350 per 100,000 the year before. Although this number is large, individuals on parole only accounted for one-fifth of all offenders, under community supervision (Kaeble, 2018), as the rates and numbers associated with probation dwarf parole populations. Nonetheless, those in the latter group begin their supervision while undergoing the reentry process, a process which poses enormous challenges and heightens the ever-present prospects of failure and reimprisonment (De Giorgi, 2017).

Academics and policymakers alike have made compelling arguments that too many offenders are placed on parole or post-release supervision for appreciable periods of time without defensible

reasons for doing so, making them subject to numerous and demanding conditions. Even if classified as low risk, those put under supervision will experience an unsettled and precarious status wherein they are subject to having a violation filed or even being incarcerated. This can mean months or years of being saddled with “contingent liability,” in the words of Klingele (2013, p. 1059), and being exposed on an ongoing and long-term basis to potential loss.

The recommendations that follow, while not exhaustive, are key to both reducing parole and post-release supervision and reconstituting the extent of such supervision, regardless of the sentencing structure in place for a given jurisdiction.

- *Make Selective Use of Supervision:* A period of parole or post-release supervision should be required for many, but not all, individuals leaving prison.
- *Exercise Parsimony in Conditions of Supervision:* Parole supervision conditions should be as few as is necessary given public safety concerns and should be tailored to the specific needs and risks associated with the individual offender.
- *Decouple the Length of Supervision from the Term of Imprisonment:* The length of supervision should be decoupled from the term of imprisonment.

MAKE SELECTIVE USE OF SUPERVISION

A period of parole or post-release supervision should be required for many, but not all, individuals leaving prison. This proposal presumes that the core missions of parole are to promote public safety and facilitate positive reentry outcomes. Towards this end, and to avoid misaligning limited supervision resources, a period of supervision should be reserved mainly for ex-prisoners who present moderate to high risks of reoffending and for those incarcerated for serious, violent, or predatory sexual crimes. It should also be made available to—but not mandatory for—low-risk offenders, who should be able to opt in or opt out of supervision. Low-risk offenders who opt in should be immune from revocation for technical violations.

Prominent voices in the field have proposed a limited period of universal supervision for all offenders leaving prison (e.g., Travis, 2005; Pew Charitable Trusts, 2013), while others argue that post-prison community supervision is not always needed, and is sometimes harmful (Petersilia, 2008; Scott-Hayward, 2011; Klingele, 2013; American Law Institute, 2014). Some suggest that post-release supervision be abolished altogether (Horn, 2001). These differences among thoughtful commentators reflect the reality that persons exiting prison vary in their current offenses, criminal histories, and where they fall on a broad continuum of risks and needs (Petersilia, 2003; Petersilia, 2008;

Conditions can shape and incentivize positive behavior but can also increase failure rates if they are too numerous or unrealistic.

Mears & Cochran, 2015). Decisions about parole and post-release supervision should be responsive to where individuals are situated on this continuum.

EXERCISE PARSIMONY IN CONDITIONS OF SUPERVISION

Even in most determinate sentencing jurisdictions without parole release, paroling authorities retain the core function of setting the conditions of release. Such conditions define responsibilities and specify the obligations of both offenders and parole officers (Stroker, 2010). Conditions can shape and incentivize positive behavior but can also increase failure rates if they are too numerous or unrealistic. With these considerations in mind, parole supervision conditions should be as few as is necessary, given public safety concerns, while being tailored to specific needs and risks associated with individual offenders.

As criminal justice practice has become progressively more punitive since the 1980s, the number of conditions has increased, often incorporating more surveillance than treatment, with parole officers devoting greater percentages of their time to monitoring compliance (Petersilia, 2003). Travis and Stacey (2010) identified 127 separate standard parole conditions imposed nationally, with an average of 19 per jurisdiction—numbers larger than shown by earlier research. Even more, these same authors found a growth in conditions that increase the level of supervision without a consequent reduction in reoffending, including increased drug testing, home confinement, intensive supervision, and unannounced visits to home and work.

There should be a clear nexus between supervision conditions and successful offender reentry. Conditions of supervision should be few and attainable (realistic), aligned to an individual's risk and needs (relevant),

and grounded in evidence showing they can change behavior (research-based), thereby improving the prospects for achieving public safety and facilitating offender reintegration (Wicklund, 2005). Accomplishing these goals is enhanced to the extent that far fewer conditions are imposed on lower-risk parolees.

DECOUPLE LENGTH OF SUPERVISION FROM TERM OF IMPRISONMENT

The length of supervision should be decoupled from the term of imprisonment. How long parolees are expected to spend under supervision varies to a notable degree from state to state. Periods of post-release supervision often extend far beyond the period spent in confinement (Klinge, 2013). In some states, parole and post-release supervision may last for 10 or more years, with lifetime supervision is required for designated offenses (e.g., sexual crimes). Nearly all indeterminate sentencing states require a period of supervision equal to the unserved balance of the prison term (American Law Institute, 2014). The length of supervision in determinate sentencing states is more likely to be separate from the prison term.

The American Law Institute (2014, pp. 91-92) recommends not only decoupling of supervision terms from prison terms but also limiting of post-release supervision to a maximum of five years for moderate- to high-risk offenders. For lower-risk offenders, opting in for no

more than 12 months allows enough time for those making this choice to address transitional reentry needs for services and support. Requiring that parolees be subject to supervision for 10-20 years, for the unfinished portion of their prison sentence, or for life accomplishes little of public policy value. Instead, the act of decoupling combined with the establishment of clear maxima governing the length of supervision (responsive primarily to risk) facilitates parole officers' efforts to achieve the goals of public safety and offenders' successful reentry transitions.

CONCLUSION

Paroling authorities continue to exercise decision-making leverage affecting the liberty interests and reentry prospects of individuals released from prison, despite the variation that exists in sentencing structures across jurisdictions. Most offenders leaving prison navigate this transition via parole or some form of post-release supervision. Three interconnected issues are raised with respect to the use of supervision at the back end of the system: Who should be supervised, what conditions should be imposed, and how long they should remain under supervision. The adoption of the recommendations discussed herein will necessarily require implementation strategies responsive to each state's sentencing structure, whether indeterminate or determinate. To the extent such efforts are successful, they

will reduce offenders' vulnerability to the vagaries of violation and revocation processes, will deploy limited supervision resources more effectively, and may even enhance individuals' reentry and reintegration prospects.

ENDNOTES

1 The classification of sentencing structures by state, and the role and impact of paroling authorities within such a framework is a promising, albeit much understudied, subject for future research. The intent herein is to call attention to this issue while providing several recommendations pertinent to reconstituting parole or post-release supervision, irrespective of the structure of sentencing.

2 This section draws from a blog article posted by the Robina Institute of Criminal Law and Criminal Justice, University of Minnesota Law School (Rhine, Watts, & Reitz, 2018).

3 The U.S. Parole Commission is not included in this discussion. Within the federal system, and in alignment with the Sentencing Reform Act of 1984, supervised releases constitute the predominant mechanism by which offenders are monitored subsequent to their transition from prison to the community. A total of 45,180 occupied this status at yearend 2016, exceeding the number of those subject to supervised release across all 50 states.

4 These figures do not include five states for which data were missing: California, Delaware, Michigan, Vermont, and Wisconsin. Three out of the five represent determinate sentencing jurisdictions, thus underreporting the figures for those states relying on mandatory and/or supervised release.

5 These recommendations are part of a larger body of proposals urging a broader range of releasing authority and parole reforms (Rhine, Petersilia, & Reitz, 2017). This section draws directly from the authors' chapter. See also Corbett, Jr., and Rhine (forthcoming).

6 At the end of 2015, the parole population stood at an all-time high of 870,500, with an aggregate rate

of 350/100,000 adult population (Kaeble & Bonczar, 2017). When these numbers are disaggregated by sentencing structure, the rate of supervision in indeterminate states is 300/100,000 and this drops to 200/100,000 for determinate states. In striking contrast to the former, determinate states conduct supervision over far fewer individuals. Of those subject to post-release supervision, 10 out of the top 12 states with the highest supervision rates have indeterminate sentencing structures. There is also a substantial magnitude of difference in the overall rates associated with the top tier indeterminate states when compared to determinate states (unpublished research by the author with assistance from Julia Laskorunsky, Robina Institute of Criminal Law and Criminal Justice).

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The image features a close-up of the Missouri State Seal on the left, which is superimposed over the stripes of the American flag. The seal depicts a brown bear standing on its hind legs, holding a green olive branch in its right paw and a bundle of arrows in its left. The bear is positioned on a yellow banner that reads "DIVIDED WE FALL". Below the bear, another yellow banner contains the Latin phrase "SALUS POPULI SUPREMAQ[UE] LEX ESTO". At the bottom of the seal, the year "MDCCCXX" (1820) is inscribed. The background consists of the red and white stripes of the American flag, with a blue field containing white stars visible at the top and bottom edges.

**MISSOURI'S
ADOPTION OF AN
EARLY DISCHARGE
POLICY REDUCES THE
PAROLE CASELOAD
WITHOUT INCREASING
RECIDIVISM**

One of the most significant changes in probation and parole supervision in Missouri occurred after passage of the Justice Reinvestment Act of 2012 (H.B.1525), as one provision of that act established a system for probationers and parolees who comply with the conditions of supervision to earn early discharge credits. Missouri's subsequent experience with this policy is that it has shortened overall time on supervision and significantly reduced the field population without increasing public safety risks. The policy was first reviewed by the Pew Charitable Trusts in 2016, with similar conclusions reached (Pew, 2016). This current article is based upon more complete data, particularly with regard to the impact on recidivism.

OVERVIEW OF THE EARLY DISCHARGE POLICY

The Earned Credit Compliance statute (Missouri Rev Stat. § 217.703, 2012) applies to both probationers and parolees. For every month those under supervision are in compliance, their term on supervision is reduced by 30 days. Credits do not accrue in any month in which a violation report (or motion to revoke or suspend) is filed, or in which the supervised individual is taken into custody, although credits will again begin to accrue in the next calendar month if an individual is cleared of a violation and continued on probation or parole. All credits are lost upon a revocation. Credits are also not earned while an offender has absconder status or while awaiting a revocation hearing.

The earned credit policy does not apply to offenders on lifetime supervision and those convicted of certain offenses (offenses that are violent, sexual, or involve children). Moreover, the courts and prosecuting attorneys are allowed to file a motion to make an offender ineligible either because an offense was violent, sexual, involved child abuse, or involved the use of a weapon or because of "the nature and circumstances of the offense or the history and character of the offender." Eligible offenses for earned credit include all drug offenses and D and E felonies—low level felonies with a maximum sentence of seven years. Offenders have to be on supervision for at least two years before earning an early discharge. Of the parolees who have been discharged early, 91% had a nonviolent offense. Missouri defines nonviolent offenses to include property, drugs, DWI, and low-level public order and weapon offenses.

IMPACT OF EARLY DISCHARGE ON PAROLE SUPERVISION

The policy began on September 1, 2012, but it was not until 2015 that parolees who had been able to earn credits during the whole time under supervision began to be discharged. In 2015, the average earned time credit of offenders with a parole term of more than two years was 16.1 months. It has now stabilized at 18 months, and the typical eligible parolee with a term of more than two years is being discharged after

servicing 63% of the original parole term.

For eligible offenders with a parole term of more than two years, nearly 90% earn credits and are discharged early.

Not all offenders released to parole supervision have parole terms of more than two years, and parole violators are also eligible to earn compliance credits to reduce the time they are under supervision. Considering all those who are discharged from parole, regardless of sentence length, the number who earned an early discharge is nearly 50%. Specifically, in fiscal year 2018 a total of 4,795 parolees were discharged, of which 48% earned an early discharge. Out of the remaining 52%, 17% had an eligible sentence but did not earn any credits and 17% had an ineligible offense.

Table 1
Early discharge reduces time on parole by 18 months for offenders with a parole term of more than two years

Fiscal Year *	Earned Credit Discharges	Parole Term (months)	Credits Earned (months)	Early Discharge (months)	Percent Served
2013	2,503	44.4	4.2	40.2	91%
2014	3,308	47.8	11.2	36.6	77%
2015	2,863	48.9	16.1	32.8	67%
2016	2,443	48.3	17.7	30.6	63%
2017	2,332	48.6	18.0	30.6	63%
2018	2,246	48.4	18.1	30.3	63%

* Fiscal year begins on July 1

Table 2
Nearly ninety percent of eligible parolees on supervision for more than two years have earned an early discharge

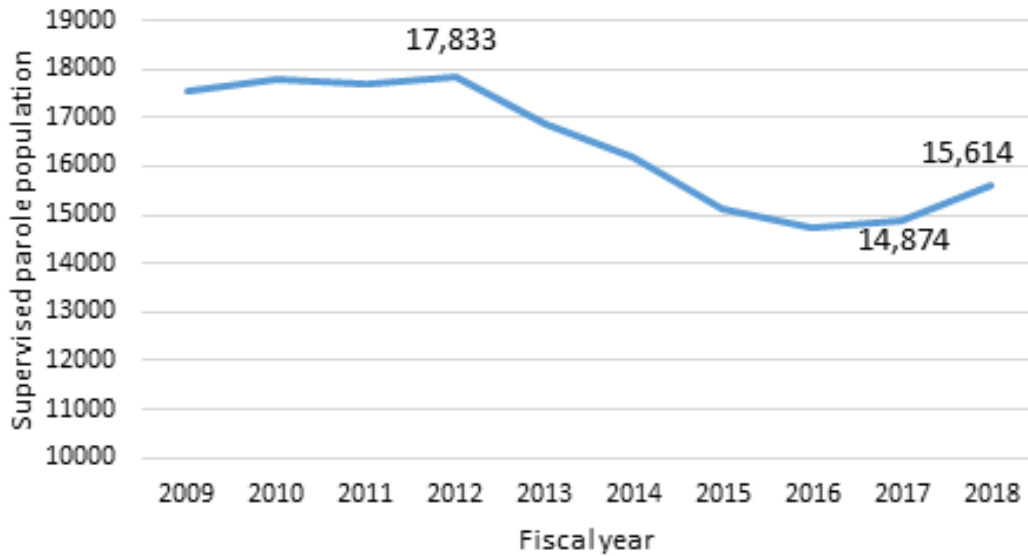
Fiscal Year	Ordinary Discharge	Early Discharge	Percent Early Discharge
2013	1,319	2,503	65%
2014	418	3,308	89%
2015	401	2,863	88%
2016	337	2,443	88%
2017	317	2,332	88%
2018	326	2,246	87%

Table 3
In fiscal year 2018 forty eight percent of all discharges from parole earned an early discharge

	Discharges	Percent
Early discharge	2,310	48%
Eligible but no early discharge	809	17%
Ineligible	833	17%
Total	4,795	100%

Figure 2

Parole Population declined by 17% because of Earned Compliance Credits



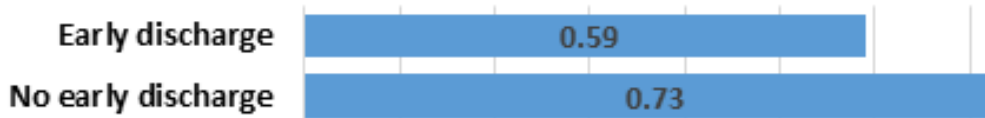
The impact upon the parole population has been considerable. From 2012 to 2017 the parole population declined by 17% (from 17,833 in 2012 to 14,874 in 2017). The decrease in the probation population was even greater (26%).

IMPACT UPON COMPLIANCE AND RECIDIVISM

The policy of earned compliance credits was expected to have positive public safety results. By motivating offenders to comply with the rules and conditions of supervision in order to reduce time on supervision, it was thought that they would be less likely to engage in any activity that resulted in further involvement in the criminal justice system. Data shows that parolees who have earned an early discharge have a lower rate of field violations compared to parolees with eligible sentences who were discharged without earning credits. In 2018 parolees discharged early were cited for 0.59 field violations per year of supervision compared to 0.73 field violations per year by eligible parolees who did not earn credits.

Figure 3

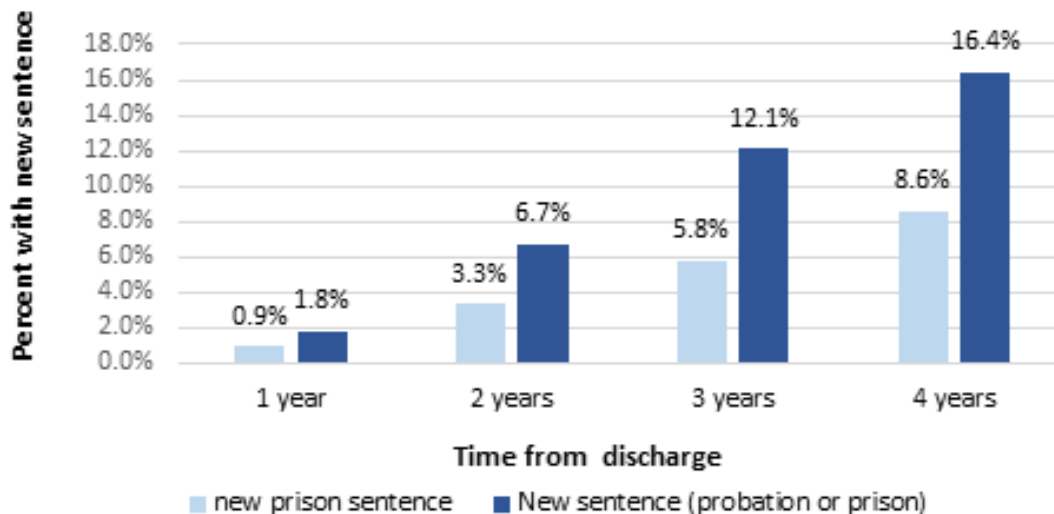
Parolees discharged early in 2018 had fewer violations per year of supervision than parolees discharged without earning credits



Recidivism calculations also indicate that reducing the length of time offenders are supervised has not resulted in an increase in their commission of crimes. Because the policy has been in place since 2012, it is now possible to assess for incidence of new criminal activity for up to four years after discharge of sentence. Recidivism rates for those parolees who had the greatest reduction of active parole supervision due to earned credits are perhaps the best measurement of the impact of earned compliance credits. Looking at recidivism among parolees who have had a reduction of at least 12 months in supervision, their new felony conviction rate is less than 2 percent. It then rather quickly rises up to two years from discharge, after which it begins to level off. After four years the new felony sentence rate is 16.4 percent. About half of the new convictions produce prison sentences, and the other half result in probation.

Figure 4

Recidivism of Early Discharges * - 16% after four years



* Parolees who had earned 12 months or more of credits

Table 4

Similar recidivism after four years between Early Discharge parolees and the comparison group *

All parolees

Early Discharge	16.4%
Discharged prior to legislation ⁺	16.1%

Slightly lower recidivism for Early Discharge parolees when controlled for risk

Level 1 parolees

Early Discharge	11.0%
Discharged prior to legislation	12.9%

* Comparison group had eligible sentences for earned credits and served at least two years of supervision

⁺ Discharged from 2010 to 2012

For comparison, the recidivism rate in a comparable group of former parolees (those originally sentenced for eligible offenses and on supervision for at least two years but who were discharged in fiscal years 2010 to 2012, before they could earn compliance credits and qualify for early discharge) is assessed. The recidivism rate in this group after four years is similar (16.4% compared to 16.1%). Interestingly, when comparing only those with risk level 1 in the two populations, the early discharge parolees have slightly lower recidivism (11.0% compared to 12.9%).

DISCUSSION

Incorporating earned compliance credits has had a significant effect on the numbers of probationers and parolees and, commensurately, on officer workloads. These issues will not be addressed in detail here. Nonetheless, a few implementation and potential public safety issues do deserve brief mention.

Implementation Requirements: Implementing and maintaining a system to record the earning of credits requires computer automation and a significant commitment by field staff.

Courts and Legislature May Face Pressure for Change: The legislature may enact subsequent amendments that affect the granting of credits and may even add extra conditions that prevent or delay early releases based on accrued credits. For example, having unpaid restitution at the time of scheduled discharge may stand in the way of early release, as in Missouri. Moreover, the application of compliance credits is suspended in Missouri (albeit subsequently retroactively applied) throughout the time period the individual under supervision is in a treatment court program. Planning for such contingencies from the beginning would be worthwhile.

Role of Risk Assessments: While the amount of compliance credit earned for good behavior by those under supervision might seem to be a logical and straightforward means for identifying low risk offenders, it is generally less accurate than a risk assessment. In Missouri, parolees discharged early on level I (minimum supervision) have the lowest recidivism and those on level III (intensive supervision) have the highest recidivism. In developing a policy for the earning of credits, attention should be paid to the overall risk of offenders.

Table 6

**Level I parolees have less than half the recidivism rate of level III parolees
Parolees who had earned 12 months or more of discharge credits**

Last FRR1*	Percent with new sentence within			
	1 year	2 years	3 years	4 years
Level I	0.9%	3.9%	7.6%	11.0%
Level II	1.9%	6.5%	12.3%	16.9%
Level III	2.5%	10.4%	17.9%	24.0%
Total	1.8%	6.7%	12.1%	16.4%

* Missouri developed field risk assessment, level I is minimum supervision, level III intensive supervision

Potential Impact of Recidivism: The risk must be considered that a discharged parolee may commit a serious crime soon after termination of supervision, i.e., during the span of the original parole sentence, when that parolee would have still been supervised had early discharge not been granted. Countering that concern is that the average reduction in supervision seen in Missouri has been 18 months, and within that time period recidivism is relatively low (3.8%). In addition, data show that those offenders who do re-offend generally re-offend with a new nonviolent offense. In the

four years of the recidivism study, 89% of the new offenses were nonviolent, and of the 84 violent offenses, only two were serious class A felonies.

Figure 5
Eighty nine percent of new offenses are nonviolent
Parolees discharged early

Offense Group	New	
	Sentence	Percent
Drugs	365	45%
DWI	33	4%
Nonviolent	314	39%
Sex and Child Abuse	9	1%
Violent	84	10%
Total	805	100%

The likelihood of a negative outcome is also reduced by the aforementioned fact that the legislature statutorily ensured that those with serious felonies and previous violent or sex-related offenses or who prompted concern due to their nature or history would either be automatically excluded from eligibility or excluded at the discretion of courts and prosecuting attorneys.

CONCLUSION

Earned compliance credits in Missouri have had an overall positive impact. The adoption of an early discharge policy in Missouri has substantially reduced both the probation and parole populations without increasing recidivism. The formula of granting 30 days for each month of successful supervision can be a good motivator, rewards those who succeed on supervision, and reduces caseloads and the number of jail and prison beds needed for probation and parole violators. Even more data will be compiled as time goes on to determine the long-term effect of this policy, but the outlook seems positive.

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Note: All data are from the Missouri Department of Corrections.



**A DECADE OF STATE
PAROLE REFORMS IN
PENNSYLVANIA**

BY KRISTOFER BRET BUCKLEN, PH.D.

More than a decade has passed since the state parole supervision system in Pennsylvania entered a period of significant change, especially with regard to the handling of sanctions for parole violations. Pennsylvania's per capita state-supervised parole population (those who would be considered parolees in most states under the usual use of the term) is only slightly above the national average, although a terminology issue has led to some misunderstanding about this fact. The confusion stems from use of the term "county parole" in Pennsylvania for a type of supervision that would generally be classified as probation in other states. Specifically, an offender in Pennsylvania who serves time in a county jail for a maximum sentence of less than two years is eligible to be supervised under county parole by the local county probation office post-release. These county parole numbers have been combined with the state parole numbers in parole supervision counts for Pennsylvania reported by the Bureau of Justice Statistics (2018). This in turn led to Pennsylvania's actual parole supervision statistics being obfuscated in a recent article by Columbia University's Justice Lab, as the state was represented as having the highest parole supervision rate in the country (Schiraldi, 2018), which is not the case. For the sake of clarity, it should be understood that all programs and statistics being discussed in the current article pertain to those under the supervision of state parole authorities and not to those under supervision by county probation offices.

Early reforms to state parole in Pennsylvania began around 2006, when the Pennsylvania Board of Probation and Parole (PBPP) adopted a Violation Sanctioning Grid (VSG) in order to structure sanctioning for technical parole violators (TPVs) and encourage alternative sanctioning options where appropriate. This led to a fairly substantial decrease in the recommitment rate. The one-year parole recommitment rate dropped from 23% in 2006 to 16% in 2017. Pennsylvania's VSG has been modified several times over the years since it was developed, and it has been recognized as a national model in terms of violation sanctioning grids.

The next major state parole reform in Pennsylvania was the Justice Reinvestment Initiative (JRI), adopted in mid-2012. The major thrust of this reform again focused around the sanctioning of TPVs. Earlier, in 2010, secure halfway houses called Parole Violator Centers (PVCs) had been developed as an alternative for sanctioning TPVs. Parolees in these PVCs were continued on parole supervision during their sanctioning rather than having their parole supervision officially revoked by the PBPP. The JRI efforts in 2012 resulted in two significant changes. The first of these was to now require that all TPVs be sent to a PVC unless they met one or more of five special conditions: (1) the violation is sexual in nature, (2) the violation is violent in nature, (3) the violation involves a weapon, 4) the violator is a repeat absconder, or (5) the violator represents an "identifiable threat." Those who meet one or more of these five conditions are the only technical violators who can now have their parole revoked and on that basis be returned to prison or to a county jail with a Pennsylvania Department of Corrections (PA DOC) contract.

The second change under the JRI involved the capping of the length of stay for TPVs in a PVC at six months, so TPVs who returned to prison or jail would only be kept in custody for six months for a first violation, nine months for a second violation, or 12 months for a third or subsequent violation. This is in contrast to the previous historical average of 12 to 14 months in state prison for a TPV. The impact of these specific JRI changes has been clear, as they resulted in a decrease of approximately 1,490 TPVs in the PA DOC prison and jail population. A natural consequence of this policy change has been a concomitant increase in the state-supervised parole population. The state parole population increased from 27,240 in January 2013 to 31,019 in December 2018, a 14% increase (excluding some special cases). The parole violator prison admission rate per 1,000 supervised parolees decreased by 4% since 2013, but it still remains about 15% higher than in 2010.

The third major reform to state parole in Pennsylvania came in 2017, when the community supervision function of PBPP was merged with the PA DOC. In Pennsylvania, state parole supervision had historically been managed by PBPP, which was a completely separate agency from the PA DOC. This contrasted with most other states, in which parole supervision and prison operations are handled under one umbrella agency. Many efficiencies can be realized from such a merged organizational structure. A prime example in Pennsylvania is the operation and management of a type of halfway house called a Community Corrections

Center (CCC). In at least two previously conducted evaluations, recidivism outcomes for Pennsylvania CCCs showed poor results (Latessa, Lowenkamp, & Bechtel, 2009; PA DOC, 2013). It was found in these evaluations that parolees going straight home after prison actually had lower recidivism rates than parolees transitioning through a CCC. One explanation for these poor results was the historically dysfunctional operational structure of the centers. While the budget for the CCC operations fell under PA DOC and the management of the centers was a PA DOC responsibility, most of the residents in the centers were parolees who were supervised by a completely different agency (i.e., PBPP). The two agencies were not always on the same page when it came to the management of the centers and of the populations in the centers. It is not hard to see how two sets of rules, and management/oversight by two separate agencies (one without a budgetary interest), could lead to less than desirable outcomes. Now, under a merged agency, many improvements are already being implemented in the centers.

Further parole supervision reforms in Pennsylvania will commence soon, as a second round of JRI recommendations (JRI2) has been developed, and these are currently awaiting legislative action. The JRI2 package includes one particularly noteworthy reform to state parole, the introduction of a system of swift, certain, and fair (SCF) sanctioning. The PA DOC, through a federal grant, is already conducting an experimental pilot of SCF parole supervision in the Pittsburgh parole district. JRI2 will expand this practice statewide.

Part of the thinking behind this reform is that many technical violations are essentially ignored or are handled with a written warning, a situation that is due in part to pressure over the past decade to divert TPVs from prison. A written warning is now the modal sanction for a technical violation in Pennsylvania, but it is unclear whether a written warning holds teeth for deterring bad behavior on supervision. Also, parolees typically accumulate several warnings for violations before receiving a significant penalty. This seemingly compromises the perceived likelihood of receiving a sanction and the speed with which sanctioning is delivered. It is well recognized that swiftness and certainty are key aspects of sanctioning for deterring future misbehavior. Also, given the disparities across the state in the handling of sanctions—disparities that may occur despite having a VSG in place—the perceived fairness of supervision may be compromised as well. The intention of the new JRI2 policy is to trade longer (or more severe) sanctions for shorter but swiftly, consistently, and fairly delivered sanctions to generate better outcomes. Along the sanctioning continuum, sanctions rise in severity from community diversion to confinement. Currently in Pennsylvania, the minimum amount of time a TPV must serve if facing confinement as a sanction is generally two months. The theory is that an effective confinement sanction could be as short as just a few days (“quick dips”) if done swiftly and consistently. Pennsylvania will be testing this approach under state parole supervision going forward.

In conclusion, Pennsylvania has not accepted the status quo in parole

supervision. It has instead demonstrated a willingness to assess its policies, embrace reform, and continuously work on improving parole supervision practices. A key lesson from our state’s experience is that parole reform is incremental, and it is not enough to take just one bite from the apple. We look forward to further improving our responses to technical violations, optimizing the effective use of halfway houses, and implementing the planned SCF sanctions approach. Although significant progress has been made, many challenges and opportunities remain for improving parole supervision in Pennsylvania.

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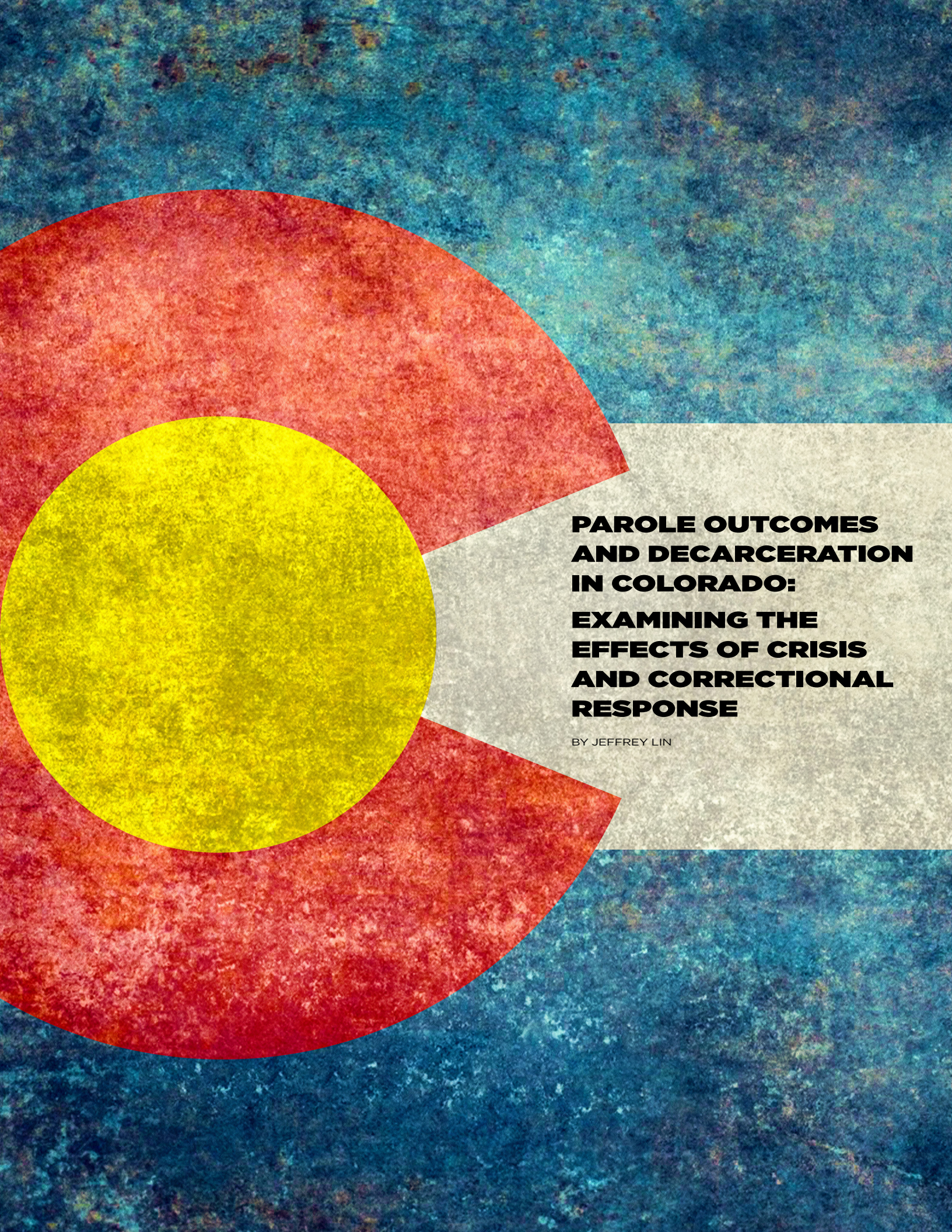
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**PAROLE OUTCOMES
AND DECARCERATION
IN COLORADO:
EXAMINING THE
EFFECTS OF CRISIS
AND CORRECTIONAL
RESPONSE**

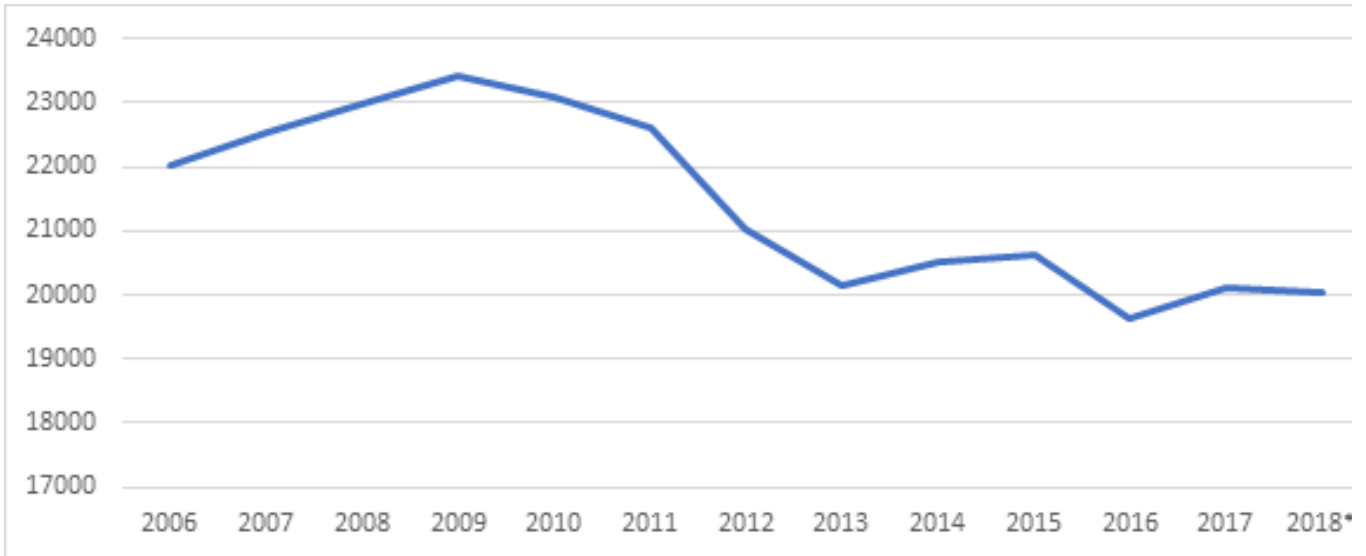
BY JEFFREY LIN

Over the past 10 years, many U.S. states have sought to reduce prison populations by reforming sentencing and parole policies. While prison populations have declined during this time, states have had to deal with a variety of obstacles in their pursuit of such efforts. Like many other states that tried to reduce reliance on incarceration in state prisons, Colorado was fairly successful in achieving significant prison population reductions until confronted with one of the most major challenges to decarceration a state can face—a high profile crime committed by a parolee. In March 2013, Tom Clements, Executive Director of the Colorado Department of Corrections (CDOC), was murdered by a high-risk parolee who had absconded from supervision. This led to a public relations crisis, and in the wake of this tragedy the agency was criticized for organizational lapses that contributed to the incident. In response, the CDOC cracked down on parole violations, driving up revocation rates and prison readmissions while also reducing the number of inmates released discretionarily onto parole (Harrison, 2013b; Lin, 2018; Mitchell, 2014). Fortunately, some recent policy changes have helped to counteract the effects of the murder on the state’s correctional reform and decarceration efforts. This article will examine challenges to state decarceration in the wake of high-profile tragedies, focusing on how these types of incidents may counteract reform efforts, and will go on to discuss some steps that states can take to mitigate such impacts.

PRISONERS AND PAROLEES IN COLORADO

After decades of continuous growth, the prison population in the United States began to decline in 2009, and by 2016, the national incarceration rate was at its lowest point since 1996. Parole populations have increased steadily over this period (Kaeble, 2018; Kaeble & Cowhig, 2018). This is not surprising in view of the direct connection between imprisonment and parole: most prisoners are released onto parole caseloads, and therefore any reduction in the prison population due to an increase in prison releases will grow parole caseloads. In 2016, Colorado ranked 23rd in incarceration rate among all states—about average (CDOC, 2017). However, Colorado’s prison and parole populations have bucked national trends in recent years. Figure 1 shows the prison population in Colorado between 2006 and 2018. The overall number of prisoners in the state was substantially lower in 2018 than in 2009, but the drop has not been consistent. After a steady decline between 2009 and 2013, the Colorado prison population reversed course and grew in 2014 and 2015. It has now leveled off around 20,000, but state projections anticipate renewed growth going forward (Harrison, 2018).

FIGURE 1: NUMBER OF COLORADO PRISONERS AT YEAR-END, 2006-2018

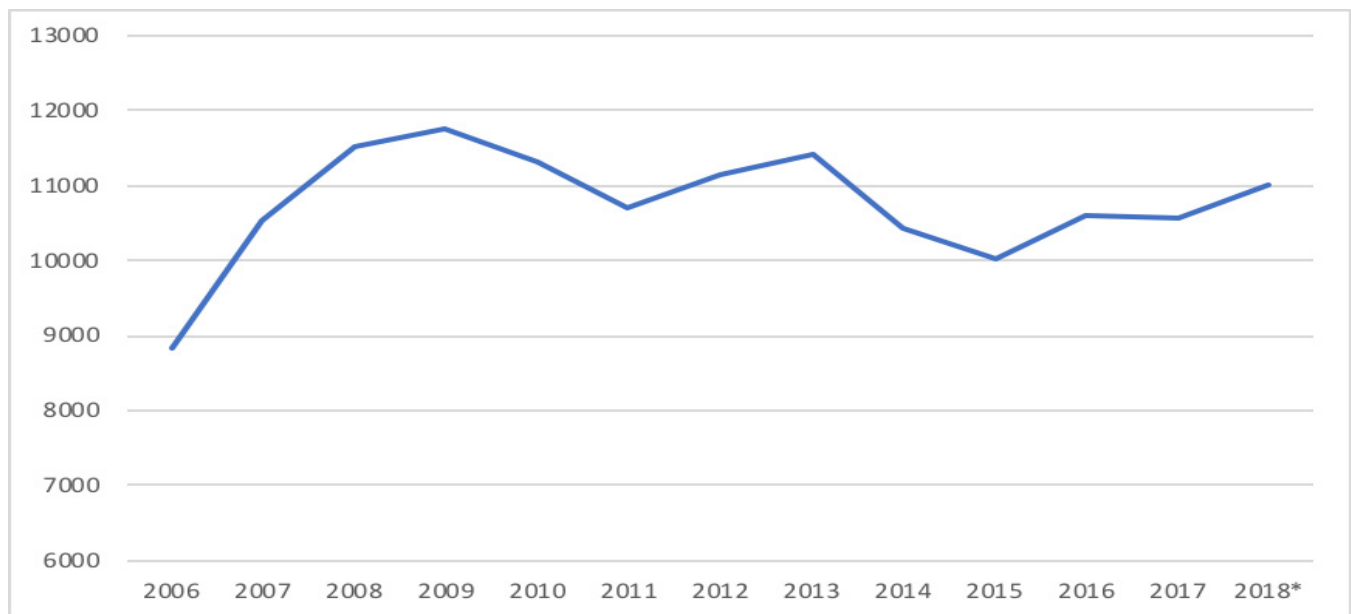


Source: Colorado Division of Criminal Justice

*All annual values represent the state prisoner population on December 31 except for 2018, which represents the prisoner population on September 30, 2018.

At the same time the Colorado prison population reversed course and began to grow again, the state parole population dropped sharply. Figure 2 shows the number of state parolees over time. Note the decline between 2013 and 2015. As I will demonstrate, these two dynamics—a sudden increase in prisoners and decrease in parolees—resulted from significant changes to parole policies and practices that resulted from the murder of Tom Clements and its aftermath.

FIGURE 2: COLORADO PAROLEES AT YEAR-END, 2006-2018



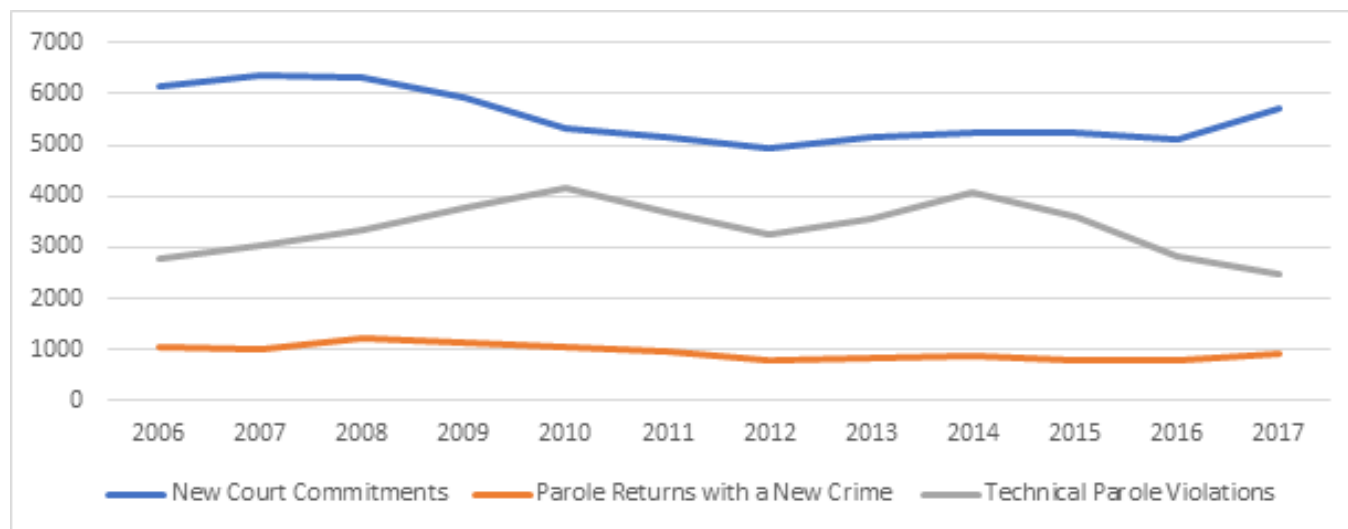
Source: Colorado Division of Criminal Justice

*All annual values represent the state parolee population on December 31 except for 2018, which represents the parolee population on September 30, 2018.

To show that the changes described above were unforeseen, I have reviewed Colorado correctional population projections from recent years. These projections are published twice annually by the Colorado Division of Criminal Justice (DCJ). In January 2013, two months before the murder of Tom Clements, the DCJ predicted a continuous decline in the state prison population for the foreseeable future: “The Colorado adult prison population is expected to continue to decline 7.6 percent between the ends of fiscal years 2012 and 2019, from an actual population of 21,037 to a projected population of 19,437 inmates” (Harrison, 2013a, p. iii). However, by December 2013, roughly nine months after the killing, DCJ had significantly revised its prison population projection: “After three years of decline, the Colorado adult prison population is expected to increase in the upcoming years . . . The Colorado prison population is expected to increase by 13.5% by the end of fiscal year 2020, from an actual population of 20,135 to a projected population of 22,849 inmates” (Harrison, 2013b, p. iii). DCJ further notes that “Even though the size of the Colorado state prison population decreased during each of the past 4 fiscal years, resulting in a total decline of 13.4% between the end of FY 2009 and FY 2013, significant increases are projected each year between FY 2014 through FY 2020” (Harrison, 2013b, p. 14).

Why did the state revise its prisoner projections? A number of reasons are given, including growth in the overall state population, an increase in felony court filings, and an increase in probation revocations (Harrison, 2013b). However, a key change between the January 2013 and December 2013 projections was due to the number of returns to prison from parole. In January 2013, DCJ noted significant declines in parole returns in the prior two fiscal years as contributing to prison population reductions in Colorado (Harrison, 2013a). However, by December 2013, DCJ projected major increases in parole returns going forward: “Parole returns in particular are expected to rise, jumping from a 7.3% increase in FY 2013 to an estimated 14.1% increase in FY 2014” (Harrison, 2013b, p. 15). This projection was accurate. Figure 3 displays the total number of prison admissions in Colorado between 2006 and 2017, broken down by admission type. While new court commitments and parole returns with a new crime increased slightly in 2013 and 2014, returns to prison due to technical parole violations rose sharply.

FIGURE 3: PRISON ADMISSIONS IN COLORADO, BY TYPE, 2006-2017



Source: Harrison (2018)

Thus, following the murder of Tom Clements in March 2013, parole violators were increasingly returned to prison for technical violations. Changes also occurred to the “back door” dynamics of state incarceration—discretionary prison releases. In its correctional population projections, DCJ notes a shift in discretionary release patterns from prison. In January 2013, the agency showed that discretionary releases onto parole had increased in FY 2012 and stabilized in FY 2013, producing a higher release rate than in years past (Harrison, 2013a; see also Ford, 2018). However, by December

2013 DCJ noted that “releases from prison have exhibited a downward trend beginning in early FY 2013 and continuing through the first half of FY 2014” (Harrison, 2013b, p. 15). Following the murder, the state parole board became more conservative in its release decisions. Table 1 shows board recommendations for discretionary release from prison onto parole between 2013 and 2017 (the only years for which these data are available). The table also shows the percentage of eligible inmates recommended for release by the Parole Board Release Guideline Instrument (PBRGI)—a standardized, actuarial risk assessment instrument designed to identify inmate readiness for release. While the parole board’s release recommendation percentage declined sharply after 2013, the PBRGI’s recommendations remained relatively stable. Moreover, as the fourth column shows, the parole board was more inclined to depart from PBRGI recommendations after 2013.

TABLE 1: PAROLE BOARD RELEASE DECISIONS AND AGREEMENT WITH PBRGI RECOMMENDATIONS 2013-17

<i>Fiscal Year</i>	<i>Board designates for release (%)</i>	<i>PBRGI designates for release (%)</i>	<i>Agreement in release decisions (%)</i>
2013	39.0	53.5	72.9
2014	32.1	49.5	64.9
2015	32.4	51.5	62.9
2016	35.6	53.6	66.4
2017	30.0	46.2	64.9

Source: Ford (2018)

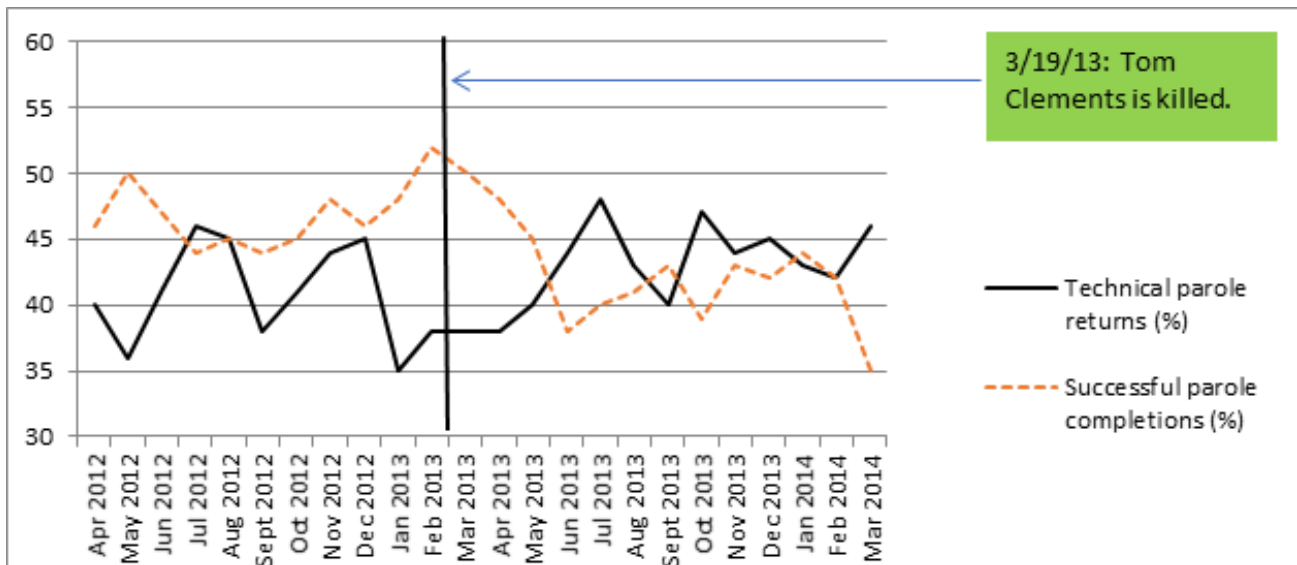
These two dynamics—more returns to prison from parole and fewer discretionary releases from prison to parole—presented significant challenges to the goal of decarceration in Colorado.

RESPONDING TO CRISIS

Faced with public outcry after Executive Director Clements’ death at the hands of parolee Ebel, the CDOC initiated several formal changes to parole policies and practices. Each of these changes can be seen as a direct response to public pressure and intense, sustained media coverage. Ebel was on high-risk supervision when he cut off his electronic ankle monitor and absconded. Within days he committed the murder. The agency was slow to respond to Ebel’s tamper alert, and media coverage focused on relationships between caseload pressures, the delayed response to the monitor problem, and the killing (Lin, 2018). After the murder, more parole officers were hired

so as to reduce caseload pressures and increase supervision capacity. The agency formed a Fugitive Apprehension Unit to track down parole absconders like Ebel and imposed a two-hour deadline for responding to electronic monitor tampers. In addition to these formal changes, correctional officials have acknowledged that parole officers in Colorado informally began to respond more strictly to parole violations, leading to the increase in prison returns due to technical violations (Lin, 2018; Mitchell, 2014). Figure 4 shows the percentage of monthly parole outcomes categorized as returns to prison for technical violations and the percentage of outcomes that involved successful parole completions for the 12 months immediately preceding the killing and the 12 months immediately following the killing.

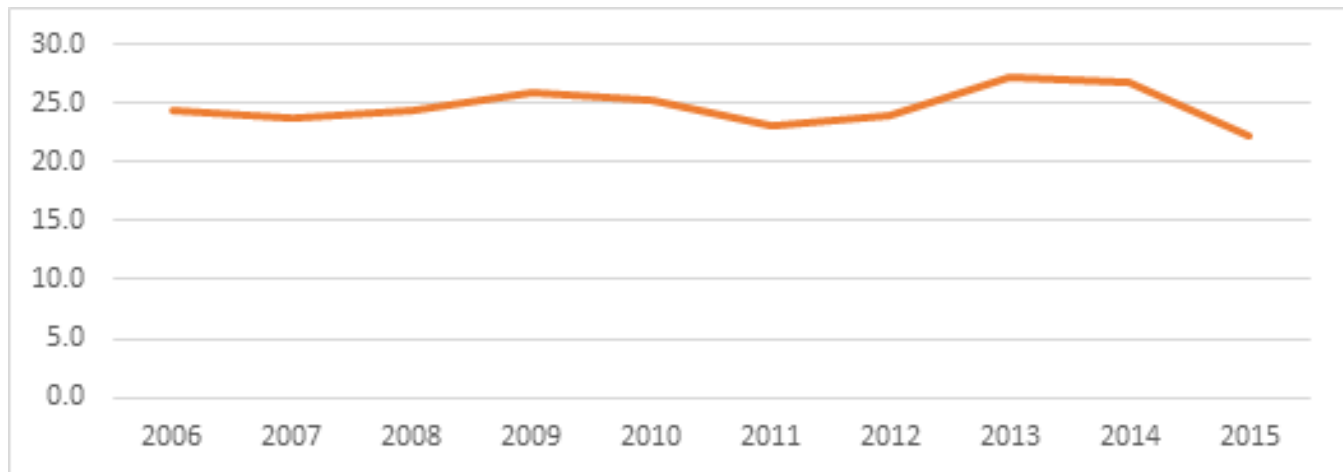
FIGURE 4: MONTHLY PAROLE OUTCOMES, APRIL 2012-MARCH 2014



Source: Lin (2018). Original data provided by the Colorado Department of Corrections.

Returns to prison on technical violations increased substantially and successful parole completions dropped sharply immediately after Clements was killed. These effects would persist for the next two years. Figure 5 shows the one-year technical violation rate for Colorado parolees over time. Parolees released in 2013 and 2014 exhibited significantly higher technical violation rates than those released in prior years. By 2015, this effect seemed to have waned.

FIGURE 5: ONE-YEAR TECHNICAL VIOLATION RATE (%) FOR COLORADO PAROLEES 2006-2015



Source: Colorado Division of Criminal Justice

As Figures 1 and 3 show, the Colorado prisoner population spiked between 2013 and 2015 because of the increase in parolees returning due to technical violations. The number of parolees returning on technical violations then dropped between 2016 and 2018, and the state prison population also came down to around 20,000 prisoners. This drop largely resulted from legislative action in Colorado, which counteracted the increase in technical violation returns that resulted from parole policy and practice changes after the Clements murder. The DCJ credits this decline in technical parole returns to legislation passed between 2014 and 2017 (Harrison, 2018). Lawmakers in Colorado have, since around 2009, urged the DOC to reduce reliance on incarceration and use more community-based options for offenders—for fiscal reasons as much as anything else (see Eason, 2018).

With the increase in parole returns following the Clements murder, several legislative initiatives have been passed and signed into law that have subsequently driven down the rate of prison admissions due to technical violations and the time that parolees spend incarcerated for violations (Harrison, 2018). House Bill 14-1355 (2014) increased the provision of reentry services provided by the DOC. Senate Bill 15-124 (2015) required the use of alternative sanctions for parole violations prior to revocation. House Bill 17-1326 (2017) reduced the length of prison incarceration following parole revocation for many offenders. All of these policies explicitly reduce the number of prison admissions due to parole violations and the time that parole violators spend

incarcerated. Their effects are seen in Figure 3, which shows a significant decline in prison admissions due to technical parole violations since 2014. DCJ's most recent prison population projections anticipate renewed growth going forward, but that is largely due to increases in new court commitments resulting from growth in the state population, the felony court filing rate, and probation revocations (Harrison, 2018).

CONCLUSION

Achieving the goal of decarceration—specifically, reducing state prison populations—can be challenging. At the most fundamental level, the number of individuals who engage in criminal behaviors that lead to conviction and incarceration affects these populations. Such behaviors have complex origins that cannot always be controlled by criminal justice policy and practice. Prosecutorial and court actions also shape these populations. An increase in the filing of felony charges and convictions in Colorado makes decarceration more difficult (Harrison, 2018). The direct connection between parole outcomes and prisoner populations is another area in which the goal of decarceration can be undermined—sometimes in unpredictable ways, as the effects of the Clements murder have shown. As discussed above, a single, high-profile tragedy can profoundly shape correctional practices and outcomes for years afterwards. The fact that a parolee was responsible for this single tragic murder cascaded into a public relations crisis and changes in policies and practice that in turn both increased the number of parolees returned to prison and decreased the

number of inmates released discretionarily onto parole. In subsequent years the state legislature has engineered statutory adjustments to parole violation and revocation practices that have slowed prison population growth, but the sharp downward trend seen in the Colorado prison population between 2009 and 2013 appears to have stopped.

This is not a singular situation. Previous high-profile crimes have justified policies that dramatically increase correctional control. State sex offender supervision policies such as registration, community notification, and residency restrictions largely emerged from intense public and political attention to high-profile crimes against sympathetic victims, and these policies often bear the names of these victims (e.g., Megan's Law, AMBER Alert, the Adam Walsh Act, the Jacob Wetterling Act). Notoriously harsh "three strikes and you're out" sentencing laws—which have contributed significantly to high state incarceration rates—were justified by unusual, high-profile crimes such as the 1996 murder of 12-year-old Polly Klaas in California by a repeat offender who would have still been imprisoned in 1996 had the law existed at the time of the crime. While these laws speak to the horrific nature of the crimes that justify them, they also reflect the volatility of correctional reform. Given the size and heterogeneity of state correctional populations, it is almost inevitable that such tragedies will occur, leaving correctional systems at the mercy of "N of 1" situations in which a tragic event produces public demand for legislative or correctional actions that reverse reforms and drive up prison populations.

Clearly, decarceration efforts can be undermined in unpredictable ways. How can correctional officials and policymakers sustain positive trends in the face of these possibilities? First, as Colorado has done, the legislature can help counteract these effects through subtle, technical adjustments to parole supervision and sanctioning practices. In the years following the Clements murder, the Colorado state legislature engineered a number of statutory changes that reduce the frequency and length of reincarceration for parole violators. These legislative changes have not garnered significant public attention or controversy because they make modest adjustments to existing practices that are already largely hidden from public view. Second, correctional officials could be more deliberate and proactive in their response to tragic events. In contacts with media and political actors, corrections representatives could try to better contextualize such rare, tragic events within larger empirical trends—for example, discussing overall reductions in violent parolee recidivism or increasing parole success rates. Finally, correctional officials should be clear with legislators (and themselves) about the effects of changes to policy and practice that result from “N of 1” tragedies, empirically specifying the potential effects of such changes on correctional populations and costs. Policy choices must be made that are responsive to public safety concerns but are also informed, farsighted, and deliberative.

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WE WANT

YOU

**OFFICER
RECRUITMENT:
HOW TO USE
“NUDGES” AND
BEHAVIORAL
SCIENCE**

BY: JOANNA WEILL, PH.D.

What motivates someone to become a probation, parole, or police officer? And how do we utilize this knowledge to improve recruitment techniques? In a survey of police officers that my colleagues at the Behavioral Insights Team (BIT) and I conducted in 12 police jurisdictions across the U.S. last year, we found that a desire to “serve the community” was the top reason people say they became a police officer. I imagine we would find similar results if we surveyed probation and parole officers. It’s not surprising, then, that public sector recruitment materials traditionally market these jobs as opportunities to “serve the community” or “have an impact.” Based on our survey of current officers, we would expect these messages to be highly effective. However, our research has found that the top-performing police recruitment messages are often not public service messages at all. Instead, they may describe a career as challenging or emphasize that an officer is more than just a job. Such messages may be more likely to attract the attention of new recruits who either have heard the public service message innumerable times before or had not considered other aspects of the job that are interesting to them.

At BIT, we use what science tells us about human behavior to help government agencies design policies and services that take into consideration how people actually behave rather than how we *think* they behave or *want* them to behave. In our work with police departments, this has meant considering what actually motivates candidates to apply and persevere through the recruitment process—not what we think should motivate them. This work has important implications for probation and parole departments that are also looking to improve their hiring processes and to employ staff who demographically represent the community they serve. It can be difficult or impossible to actually change substantive features of a job (such as redefining roles or increasing pay or benefits) to increase the number or diversity of new officers. Instead, agencies need immediate, cost-effective approaches that can attract interest from more—and more varied—prospective applicants within the existing constraints of the job. These solutions often come in the form of “nudges,” which change behaviors by changing the way options are presented or described, rather than by changing the options themselves. “Nudge theory” was popularized by Nobel Prize winner Richard Thaler (Thaler & Sunstein, 2009), and is now applied in governments around the world—including in our research with police departments. We think these findings could inform probation and parole hiring practices as well.

In Chattanooga, Tennessee, we worked with the police department to design postcards with four different recruitment messages in order to test which worked best to attract applications (Linos, 2008). Two were traditional public service recruitment messages focusing on others, the first emphasizing the positive impact officers can

have on their community and the second asking about a desire to serve. The other two focused on non-traditional motivations, one asking potential applicants if they were “up for a challenge” and the other asking if they were “looking for a long-term career.” Using a list of more than 20,000 registered voters in and around Chattanooga, we randomly assigned each voter to receive one of these four postcards or no postcard at all. We found when people received the non-traditional messages (focused on the “challenge” of the job or the job as a “long-term career”) it tripled the likelihood they would apply as compared to those who received no postcard. In contrast, those in the groups that received either of the two traditional messages were no more likely to apply than those who received no postcard. The non-traditional messages were especially effective at attracting people of color, quadrupling the likelihood they would apply when compared with people who did not receive a postcard. The Chattanooga Police Department now uses these top performing messages in their recruitment efforts.

After our work in Chattanooga, we spoke to many other police departments that were interested in testing new messages in their cities. In Tacoma, Washington, we found that a postcard telling potential recruits that this was a job where they could “belong” was most effective. In South Bend, Indiana, we found that a postcard that emphasized how officers were multifaceted and were more than just their jobs was most successful. We have also tested these types of messages with great success using Facebook and email.

We think that one reason these new messages are effective is because they are distinct from the same old public service recruitment messages people have heard so often before. Traditional public service messages may have reached peak saturation, so new messages cut through the noise. After all, research tells us that novel stimuli attract our attention (Loftus & Mackworth, 1979). In some cases, different messages may serve to alert potential applicants to desirable aspects of a job that they did not previously think about or even know existed. Messages might also work because they appeal to a new audience of potential applicants—those who are attracted to jobs for reasons other than a desire to serve. If we have already reached all the people who are looking for jobs purely based on the service component, using new messages may reach an audience looking for a job that provides something else—such as belonging or a long-term career.

CHATTANOOGA, TENNESSEE POLICE RECRUITMENT POSTCARDS

Are you up for the challenge?
Apply to be a police officer today!



Paid for and approved by the City of Chattanooga

Hi <First Name>.

We're hiring new police recruits and I hope you consider applying.

I love being part of the police because you never know what to expect, it's challenging but rewarding work!

If you're the kind of person who thrives in challenging environments, you're just the kind of person we're looking for.

To apply, go to bit do/CPDBeChallenged and submit before March 28, 2016.

Good luck!

Weslie Johnson
Police Officer, Chattanooga Police Department

<Full Name>
<Owner Address>

Are you ready to serve?
Apply to be a police officer today!



Paid for and approved by the City of Chattanooga

Hi <First Name>.

We're hiring new police recruits and I hope you consider applying.

I love being part of the police because I feel I can really make a difference in Chattanooga.

If you're the kind of person who is ready to serve, you're just the kind of person we're looking for.

To apply, just go to bit do/CPDserve and submit before March 28, 2016.

Good luck!

Weslie Johnson
Police Officer, Chattanooga Police Department

<Full Name>
<Owner Address>

What would it mean to you?
Apply to be a police officer today!



Paid for and approved by the City of Chattanooga

Hi <First Name>.

We're hiring new police recruits and I hope you consider applying.

I love being part of the police because I feel I can really make a difference in Chattanooga.

Just think what it would mean to you and your community if you became a police officer.

To apply, just go to bit do/CPDdifference and submit before March 28, 2016.

Good luck!

Weslie Johnson
Police Officer, Chattanooga Police Department

<Full Name>
<Owner Address>

Looking for a long-term career?
Apply to be a police officer today!



Paid for and approved by the City of Chattanooga

Hi <First Name>.

We're hiring new police recruits and I hope you consider applying.

I love being part of the police because I'm constantly developing my skills; this isn't just a job, it's a career.

If you're looking for a long-term career, you're just the kind of person we're looking for.

To apply, just go to bit do/CPDcareer and submit before March 28, 2016.

Good luck!

Weslie Johnson
Police Officer, Chattanooga Police Department

<Full Name>
<Owner Address>

TOP PERFORMING POSTCARD IN SOUTH BEND, INDIANA

I am a hard worker. I support my family. I am a police officer.



Apply to be a police officer today!

Dear <First Name>,

We're hiring new police recruits, and I hope you consider applying.

Many things are important to me. My teammates know that, and that's why I'm proud to be a South Bend police officer.

If you know police officers are more than just their jobs, you're just the kind of person we're looking for.

Apply now at bit.do/SBPDapp.

Good luck!

Officer Sienna Valdez-Sears

South Bend Police Department

<Full Name>
<Address>

TOP PERFORMING POSTCARD IN TACOMA, WASHINGTON

You belong here.



Apply to be a police officer today!

Dear Future Police Recruit,

We're hiring new police recruits, and I hope you consider applying.

I love being a police officer because from day one, I felt like I belonged to a team - no matter where you come from, you feel like you belong here.

If you work well with a team, you're just the kind of person we're looking for.

To apply, go to bit.do/TPDapp and submit an application before May 19th, 2017.

Good Luck!

Robin Blackburn

Officer Robin Blackburn
Tacoma Police Department

For questions regarding this or future job announcements, please call Human Resources at (253) 393-3400.

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Additionally, many of these new messages aim to dismantle stereotypes and change the perception that officers are only white males. Other researchers have found that perception of fit is one of the strongest predictors of whether someone is attracted to apply to a job (Chapman, Uggerslev, Carroll, Piasentin, & Jones, 2005). To this end, the postcards feature pictures of officers representing the diversity of the departments, and the messages on the postcards are often signed by these same officers. The content of many of the messages suggests there is a wider breadth of officers than you would imagine and that, you, the postcard recipient, could be included in this group. When combined with clear and simple instructions on how and when to apply, these new messages could attract applicants who may not have previously considered the career.

After attracting initial interest, nudges can also be used to keep applicants engaged and reduce the number of applicants who drop out of the process. For example, applicants for the position of Los Angeles Police Officer need to complete a Personal History Statement, which is a crucial element of the background check. BIT designed an intervention aimed at encouraging completion of this step. First, we modified the email used to notify applicants that they had to complete the Personal History Statement. We cut the email from 464 words to 220 words, including only information essential to completing the statement and removing a reference to scheduling an in-person appointment, since the department actually preferred online submissions. Applicants were also given a two-week completion deadline. The message about the deadline was highlighted in a text box separated from the rest of the email text and included a statement that most candidates completed in two weeks. The goal of these email edits, therefore, was to clarify in a brief message what the applicant's next step was, in terms of filling out and submitting the statement, and at the same time to utilize social norms as an influence by implicitly highlighting that those who do not complete the form on time are in the minority. Finally, one week after the initial email, the applicants were sent a text message reminding them to submit the form within the two-week time frame. We found that applicants who were randomly assigned to receive the new email and text message were 15% more likely to submit the form, and 39% more likely to submit it within two weeks, compared with those assigned to receive the original email. The drop-off for applicants of all races was significantly reduced as well, maintaining a larger pool of candidates from which the departments could select their new officers.

Together these projects demonstrate how behavioral science and small nudges like changing an email or postcard or sending a text message can help to improve recruitment in the public sector. These strategies can

We found that applicants who were randomly assigned to receive the new email and text message were 15% more likely to submit the form, and 39% more likely to submit it within two weeks, compared with those assigned to receive the original email.

easily be applied to the recruitment of probation and parole officers, so departments can learn what recruitment messages work best for them and how to modify the application process to keep candidates engaged. Such methods can also be used to change the behavior of current probation or parole officers or to improve client engagement. How can we get officers to complete their paperwork correctly? How do we encourage clients to show up to their appointments or follow the terms of their release? Behavioral science can help answer these questions. We hope readers will seriously consider the benefits of using a behavioral science approach to improving officer recruitment as well as addressing other challenges in their departments.

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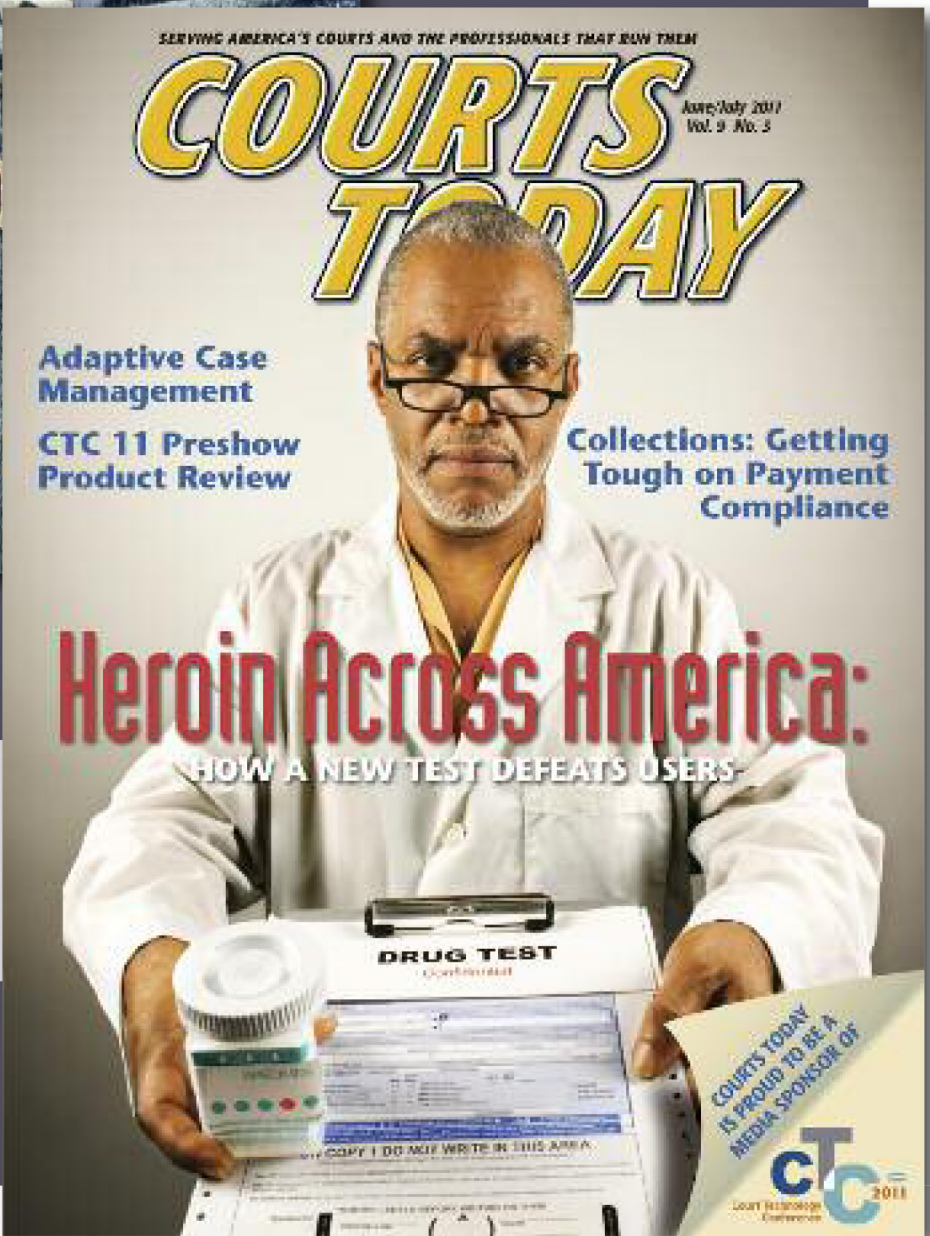
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JAPAN HOSTS THE THIRD WORLD CONGRESS ON PROBATION

The third World Congress on Probation (WC III) was held in Tokyo, Japan, in September 2017 as part of a series that started in London in 2013, continued in Los Angeles in 2015, and will move on to Sydney, Australia, in September 2019. Each World Congress on Probation brings together individuals and organizations involved with probation from around the world, giving them an opportunity to share and communicate while participating in a series of events. In Japan, the Congress was attended by over 400 people from more than 40 countries and jurisdictions.

HISTORY

The inaugural World Congress on Probation was hosted in London by the Confederation of European Probation (CEP) in collaboration with the National Offender Management Service (UK), the London Probation Trust, the West Yorkshire Probation Trust, and the Association of Chief Officers of Probation of England and Wales. At its conclusion, CEP President Marc Ceron of Spain extended an invitation to the APPA to host the second World Congress. The APPA President Carmen Rodriguez accepted that invitation, and the International Community Corrections Association (ICCA) subsequently joined in as a second sponsor. To better reflect the broader mission and membership of ICCA, the second Congress was named the World Congress on Community Corrections. The decision to host the event in Los Angeles allowed it to be held in conjunction with the APPA Annual Training Institute. At the conclusion of the Los Angeles event, representatives from Japan agreed to host WC III.

The process of identifying and recruiting potential Congress hosts and securing their commitments has been greatly facilitated by Steve Pitts of the CEP. Since it was deemed important to take steps to ensure the sustainability of the World Congress on Probation as an ongoing international event, individuals representing the major organizational sponsors—including the APPA—met at both the Los Angeles and Tokyo events and developed some guiding principles. Their work has already borne fruit, as Australia stepped up at the conclusion of WC III and agreed to host the fourth World Congress on Probation.

WC III

The Tokyo Congress was a partnership of many organizations and individuals and featured 75 workshop presenters and collaborators representing 17 different countries across six continents. The host agencies included:

- Ministry of Justice of Japan
- United Nations Asia and Far East Institute for the Prevention of Crime and Treatment of Offenders
- Japan Rehabilitation Aid Association
- National Federation of Volunteer Probation Officers (Japan)
- National Association of Offenders Rehabilitation Services (Japan)
- Japan Association of Offenders Rehabilitation

international committee update

Ten private corporations served as sponsoring organizations, and nine additional local groups served as supporting organizations. International supporting organizations included APPA, ICCA, CEP, the International Corrections and Prison Association, and the Asia Crime Prevention Foundation. Clearly, WC III was a collaborative endeavor with broad support from local and international organizations.

The WC III theme was “Development of Probation and the Role of the Community.” The program featured three keynote speakers (Dr. Frank Porporino of T³Associates in Canada, Dr. Todd Clear of the Rutgers University School of Criminal Justice in the United States, and Dr. Peter Raynor of the Criminology Department at Swansea University, Wales, United Kingdom). Twelve workshop sessions, each with between three and five topics, were organized around four major topic areas:

- Development of Policies and Procedures
- Evidence-based Theories and Practices
- Evidence-based Theories and Practices and Offenders with Special Needs
- The Role of the Community

KEYNOTE ADDRESSES

Dr. Porporino delivered the first keynote speech, “Developments and Challenges in Probation Practice: Is There a Way Forward for Establishing Effective and Sustainable Probation Systems?” He started with the question of values, and how they define what we should be doing in probation. He referenced the 2017 paper from the Executive Session on Community Corrections titled *Toward an Approach to Community Corrections for the 21st Century: Consensus Document of the Executive Session on Community Corrections*, as a significant document challenging the field to rediscover its core values. That process, he said, should lead probation to restructure, refocus, and reinforce what we **should** do as opposed to what we have always done.

Dr. Porporino identified five key points:

1. *The Need to Challenge Mass Supervision* – too many people are under supervision, and we can’t do quality work with them due to overly large caseloads.
2. *The Need to Challenge Intensive Supervision* – it is not how much supervision is provided, it depends more on the content and context of supervision, and the quality of the client-officer relationship is crucial.

3. *Procedural Justice* – the need to find more fair and effective ways to use authority to achieve the goals of supervision. Sanctioning to incarceration should not be the default response.
4. *Professionalism* – develop a vision of professionalism for the field that keys in on the crucial elements of probation practice, the relationship skills and community development skills that will drive a more effective probation system.
5. *Leadership for Change* – the need to create a collaborative work culture and leadership character that can sustain effective probation practices.

Next, Professor Clear addressed the Congress on the topic of “Imagining Community Justice Values in Probation Practice.” He began by reviewing the “get tough era” in community corrections and the enormous growth in caseloads. Dr. Clear then focused on values and talked about how they drive our work, emphasizing how the concept of community justice provides a viable alternative to the “get tough” approach. Like Dr. Porporino, he went over highlights of the 2017 paper by the Executive Session on Community Corrections at the Kennedy School of Government at Harvard. That paper, he said, sets forth a “transformational vision” calling for a dramatic shift in values and practices for community corrections. Dr. Clear endorsed that vision, calling for a change in values for community corrections, away from focusing solely on community safety to a broader set of values that embrace human dignity, fairness, and community well-being. This value set, he said, would be more consistent with a community justice approach. Embracing community justice will transform probation officers into true agents of change.

Professor Raynor spoke on “Effective Practice: The Past, Present, and Future of Probation Research.” He explored the question of how to do probation work most effectively. He began with a review of the major phases of correctional philosophy from 1974 to the present, pointing out that much of the research done over the past decades has examined programs. Professor Raynor advised that we need to change our focus to look more deeply at the skills that probation officers need to develop and master to be effective, as he believes that skills are more important than program components. Such skills include relationship skills (verbal and non-verbal communication, empathy, listening) and structuring skills (motivational interviewing, pro-social modeling, reinforcement, problem-solving, cognitive restructuring).

Professor Raynor added that we also need to study the implementation practices that management should follow to put evidence-based practices into place with fidelity. Exploring the “how and why” of what works (effective programs) is essential to learning

what we need to do. Equally important is building the capacity and capability of probation organizations to implement effectively. The best skills and programs will be ineffective if they are implemented poorly.

SUMMING IT ALL UP

There is not sufficient space in this article to provide summaries of the workshop presentations. However, it was clear that a broad consensus about the nature of probation emerged and was broadly shared among the Congress participants. Probation is in the change business—changing people’s lives for the better!

This tangible and broad-based commitment to behavior change as a core function for probation does not seem to be surprising or problematic for most of the world’s probation community. It may well prove problematic however, for some agencies in the United States where the surveillance and enforcement model still predominates. While there are fewer and fewer of these agencies, they still exist, and this culture represents a significant challenge to implementation of a behavior change paradigm utilizing evidence-based practices.

The keynote speakers posed big challenges. Dr. Porporino challenged the Congress to explore our values and determine what probation **should** be doing. Dr. Clear pointed us directly at **community justice** as a guiding

philosophy. Dr. Raynor challenged us to identify and implement strategies and techniques that **work** and actually produce our desired outcomes. The emerging research consensus is that probation needs to focus on relationships and skills.

Informed and challenged by the *Executive Session on Community Corrections* paper, the field seems poised to undertake a strategic reassessment of direction, policy, and practice. The biennial assembly of probation practitioners from across the globe at the World Congresses on Probation provides a unique and valuable venue to forge a common vision and set of values to drive probation now and into the future.

It’s on to Sydney for the fourth World Congress on Probation in September 2019 to see how the world’s probation community has progressed. Visit the Congress website for more information. <https://www.correctiveservices.justice.nsw.gov.au/worldcongressonprobation>

ABOUT THE AUTHOR

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