

**AMERICAN BAR ASSOCIATION
COMMISSION ON EFFECTIVE CRIMINAL SANCTIONS
CRIMINAL JUSTICE SECTION
NATIONAL DISTRICT ATTORNEYS ASSOCIATION
NATIONAL LEGAL AID AND DEFENDER ASSOCIATION**

**REPORT TO THE HOUSE OF DELEGATES
[ON IMPROVEMENTS IN PROBATION AND PAROLE SUPERVISION]**

Recommendation

RESOLVED, That the American Bar Association urges federal, state, territorial and local governments to develop and implement meaningful graduated sanctions for violations of parole or probation as alternatives to incarceration. Incarceration may be appropriate when:

- i) an offender commits a new crime or engages in repeated violations;
- ii) lesser sanctions, including appropriate treatment options, have not been effective; or
- iii) the offender poses a danger to the community.

In those cases where an individual is sent to jail or prison as a sanction for a violation of probation or parole, the period of incarceration should be that reasonably necessary to modify the individual's behavior and deter future violations.

FURTHER RESOLVED, That the American Bar Association urges federal, state, territorial and local governments to distinguish between probation/parole violators who would benefit from community supervision and those who would not, and to deploy community supervision resources accordingly.

FURTHER RESOLVED, That the American Bar Association urges federal, state, territorial and local governments to provide adequate resources and funding to ensure that the quality and intensity of supervision for offenders is significantly increased. Manageable case-loads for probation and parole officers ensure that sanctions imposed in lieu of incarceration are meaningful; reduce the likelihood of recidivism; and increase the chances for successful rehabilitation.

FURTHER RESOLVED, That the American Bar Association urges federal, state, territorial and local governments, to create standards for the performance of probation or parole officers that will consider, in addition to other appropriate factors, the number of individuals under an officer's supervision who successfully complete supervision, as well as those whose probation or parole is appropriately revoked, taking into account the nature of the officer's caseload.

REPORT

Parole and probation supervision is an important part of any discussion of sentencing alternatives and recidivism. The number of people returned to state prison for a parole violation increased sevenfold between 1980 and 2000, from 27,000 to 203,000, and parole violators now account for more than one third of all prison admissions.¹ Almost half of all parolees return to prison or jail within 24 months of their release.² As prison populations grow and increasing numbers of offenders are released on parole, it is not surprising to find some increase in parole violations. But, the magnitude of the numbers involved suggests that substantial resources are being devoted to identifying every violation of parole conditions and to making revocation the preferred sanction for all violations. There is a growing body of evidence suggesting that this practice results in an expenditure of resources that does not improve public safety. Indeed, a recent study by the Urban Institute calls into question the extent to which parole and probation supervision, as currently administered, is effective in reducing recidivism rates or otherwise enhancing public safety. The study found that offenders under supervision are re-arrested for new crimes at about the same rate as offenders released unconditionally.³

In 2004, the Justice Kennedy Commission recognized the enormity of the problem raised by the state of parole and probation supervision in this country. The revolving door in which inmates were released to the community and returned to prison for minor violations of their release conditions was most evident in California, where the cost of incarcerating parole violators was estimated at \$900 million. In the words of California's Little Hoover Commission, "California has created a revolving door that does not adequately distinguish between parolees who should be able to make it on the outside, and those who should go back to prison for a longer period of time."⁴ But this

¹ Jeremy Travis & Sarah Lawrence, *Beyond the Prison Gates: The State of Parole in America* at 21, The Urban Institute Justice Policy Center, November 2002, available at http://www.urban.org/UploadedPDF/310583_Beyond_prison_gates.pdf.

² *Reentry Trends in the U.S.: Success rates for State parolees*, Bureau of Justice Statistics, available at <http://www.ojp.usdoj.gov/bjs/reentry/success.htm>. See also Amy Solomon, Does Parole Supervision Work? at 27 (Urban Institute 2005) (available at http://www.urban.org/UploadedPDF/1000908_parole_supervision.pdf) citing Glaze, L.E. and S. Palla, Probation and Parole in the United States, 2004., Bureau of Justice Statistics Bulletin 2005 (46% of parolees do not complete term successfully).

³ Amy Solomon found that mandatory parolees released conditionally were re-arrested at approximately the same rate as prisoners released unconditionally, without supervision. Solomon, note 2 *supra*. Discretionary parolees released conditionally under supervision (who, unlike mandatory parolees, have been the subject of a discretionary parole board decision that they are ready to return to the community) were somewhat less likely to be rearrested, but the difference is relatively small.

⁴ Little Hoover Commission, *Back to the Community: Safe and Sound Parole Policies*, Executive Summary, at i (November 2003). In her recent study of the California correctional system, Joan Petersilia describes the parole system in California as a "nonstop game of catch-and-release," in which 66% of parolees were back behind bars within three years, 27% for a new crime, and 39% for a "technical" parole violation. Joan Petersilia, *Understanding California Corrections* at 71 (California Policy Research Center, 2006), citing Ryan Fischer, "Are California's Recidivism Rates Really the Highest in the Nation? It

problem is not unique to the state of California, and parolees and probationers account for a majority of prison admissions in most states. Moreover, of the parole violators returned to prison, more than two-thirds were incarcerated for a violation of the conditions of their release, rather than commission of some new criminal violation.⁵

It became abundantly clear to the Commission in the course of our hearings that parole and probation supervision is a critical part of the recidivism puzzle, for two reasons: first, probation and parole agents exercise tremendous discretion through their revocation power in deciding whether an offender has violated conditions of supervision in the first place, and whether an offender should be returned to prison. Second, probation and parole agents are in a position to play a key role in assisting people returning home from prison to readjust to the community and stay out of trouble. Many jurisdictions are re-evaluating their approach to offender supervision and realizing that the successful reintegration of the offender must be a primary goal of community supervision. Offenders who successfully rejoin the community are less likely to commit future crimes than offenders who fail. The bottom line is that reintegration of offenders promotes public safety and should therefore be the primary goal of any system of community supervision.

The policy recommended by the Justice Kennedy Commission, subsequently adopted by the ABA House of Delegates, was that jurisdictions should develop graduated sanctions for probation and parole violations, and reserve incarceration for cases where “a probation or parole violator has committed a new crime or poses a danger to the

Depends on What Measure of Recidivism You Use,” UCI Center for Evidence-Based Corrections, Irvine, California, Vol. 1, September 2005. Available at <http://ucicorrections.seweb.uci.edu/>. California’s abscond rate of 17% is the highest of any state in the nation, and far above the national average of 7%. Professor Petersilia echoes the concerns of other criminal justice researchers that the misallocation of community supervision resources is one cause of this problem: many high-risk offenders on parole receive too little monitoring while many non-dangerous offenders stay on parole too long, so that sooner or later they will be caught up in some trivial indiscretion and sent back to prison. Also, the lack of treatment resources provided by community supervision agencies can result in high re-incarceration rates. For example, California routinely orders near-universal drug testing for all parolees, although two-thirds of them have substance abuse histories and only 2.5% receive any professional drug treatment while in prison, compared to a national average of 19%. *Id.* at 41. See also Petersilia and Weisberg, *Parole in California: It’s a crime*, Los Angeles Times, April 23, 2006, available at <http://www.latimes.com/news/opinion/commentary/la-op-petersilia23apr23,1,3727887.story>. Thus, parolees invariably fail the test which results in a violation and a return to prison. The state should either provide more drug treatment in prison, or less testing in the community, or at least a more flexible approach to test failures.

⁵ Travis, *et al. supra* note 1 at 22, *citing* U.S. Department of Justice, Bureau of Justice Statistics, NCJ178234. Typical noncriminal violations of parole involve the obligation to report regularly to a parole officer, keep a curfew, stay within a particular geographic area, avoid the use of drugs and the company of known felons, and participation in treatment programs. A violation of any of these conditions can result in revocation of parole or probation and incarceration. In some cases a system may use the revocation violation process as a short-cut administrative route, including its lower standard of proof, to return people to prison who are alleged to have committed serious new crimes. See, e.g., Joan Petersilia, *Understanding California Corrections, supra* note 4 at 73 (“California uses technical violations to address a wide range of serious criminal behavior that other jurisdictions would handle through re-arrest and prosecution.”).

community.” The Commission reaffirms this position, and makes several further recommendations to make parole and probation systems more efficient and more likely to promote public safety. First, jurisdictions should continue to develop meaningful graduated sanctions for violations of parole or probation, as recommended by the Justice Kennedy Commission, as an alternative to incarceration. They should not return an offender to prison for a violation of the conditions of release, unless that individual has committed a new crime, engaged in repeated violations, lesser measures have been unsuccessful, or the offender poses a danger to the community.⁶ A brief period of re-incarceration in a community custody facility may benefit a parolee who is having difficulty adjusting to freedom. But an automatic return to the penitentiary for violations that do not amount to a crime, without addressing the reasons for the non-compliance, is unlikely to be beneficial to the individual, is costly, and may actually be harmful to the community in the long run. The Urban Institute study found that parolees returned to prison for the remainder of their sentence for minor violations, and finally released without supervision, were more likely to be re-arrested for a new crime than any other release group.⁷

Ordinarily, less serious violations of the terms of supervision can be better addressed through community-based sanctions other than incarceration that focus on the reasons for non-compliance, because many violators suffer from treatable issues such as substance abuse, mental illnesses, or lack of life skills that could be remedied through treatment services. The Commission heard testimony from many witnesses that parolees and probationers will often slip up several times before they adjust, particularly where they have a substance abuse problem. It concluded therefore that a return to prison will be appropriate only where an individual engages in repeated violations and lesser sanctions, including appropriate treatment options, have not been effective. In cases where imprisonment must be used as a sanction, the length of incarceration should be determined by what is reasonably necessary to modify the individual’s behavior and deter future violations.⁸ If incarceration is deemed appropriate at all, a short-term return to jail will often be more useful than a return to the penitentiary.

⁶ The Commission is aware of the criticism leveled at the California parole system, and does not endorse routine use of an administrative recommitment process, with its less adversarial process, lower burden of proof, and shorter periods of commitment, to address serious new crimes committed by parolees. *See* Petersilia, *supra* note 4 at 73-75.

⁷ Solomon, *supra* note 3 at 33. A recent study released by The Women’s Prison Association found that Supervision conditions set by probation and parole authorities can scuttle a woman’s best efforts to comply with an overload of rigid rules and requirements. Policy changes designed to reduce technical violation rates, such as the use of intermediate sanctions, should have favorable results for women, since many are revoked to prison for violations of community supervision requirements related to substance abuse or conflicts between reporting requirements and family responsibilities. *Hard Hit: The Growth in Imprisonment of Women, 1977-2004* (2006)

⁸ The Commission considered and rejected a proposal to recommend that “offenders under community supervision should be sent or returned to prison only as a last resort, and generally only upon commission of a new crime that would warrant incarceration if committed by someone not subject to conditional release.”

A second way that jurisdictions can improve their probation and parole systems is to distinguish between offenders who would benefit from community supervision and those who would not, and to deploy community supervision resources accordingly. The ultimate goal of preventing re-offending, breaking substance abuse habits, and, in the end, changing parolees' lives for the better is elusive for many parole and probation officers because of the everyday realities of high caseloads and lack of resources. A study of reentry policies published by the Council of State Governments reported that parole officers' caseloads may average 70 parolees each, translating to one or two 15 minute meetings a month.⁹ Probation caseloads are even larger, averaging roughly 130 probationers per officer. And, these numbers are on the low-end for many jurisdictions. While lower caseloads do not ensure success, such high caseloads make it virtually impossible for the parole officer to address the needs of the offender. It is not surprising, in the view of the poor preparation that most prison inmates receive for their release and the lack of support services available to them in the community to assist with reentry, that many who are released on parole may find adjustment to freedom difficult. And once they are faced with these challenges, it is virtually impossible to receive the support needed during "15 minute visits" with their parole officers.

Research has shown that the first weeks after an offender's return to the community are critical. It is this period in which offenders require additional support in order to ensure that they do not slip back into old patterns of criminal behavior.¹⁰ The Commission recognizes that additional resources may not be available to provide additional assistance during the early weeks of supervision. However, it is imperative that existing resources be allocated so that offenders who need the most help get it. Research has shown that some offenders do not need intensive supervision and may be better off without any at all.¹¹ If resources were targeted to high-risk offenders who

⁹ *Report of the Re-entry Policy Council: Charting the Safe and Successful Return of Prisoners to the Community* (Council of State Governments) at 372, available at <http://www.reentrypolicy.org/rp/AGP.Net/Components/DocumentViewer/Download.aspxnz?DocumentID=1152>.

¹⁰ *Report of the Justice Kennedy Commission* at 82. Available at <http://www.abanet.org/crimjust/kennedy/JusticeKennedyCommissionReportsFinal.pdf>

¹¹ See Petersilia, *supra* note 4 at 70:

For some inmates, who are unlikely to reoffend and pose a low safety risk to the community in any case, this type of arrangement [minimal supervision] may be just fine—except in that case it is not clear why the State of California should bother keeping them on parole. For other, more risky inmates, the abrupt reintegration into wholly unstructured life is likely to spell trouble. In those cases, allocating resources for more intensive parole supervision could help prevent problems before they start.

Professor Petersilia reports that only one in five California parolees supported themselves through money earned from employment during their first year after prison release:

Work that is available to parolees is often unskilled, with restricted opportunities to advance or to assume a supervisory role, and it therefore often provides a minimum-wage salary that supports a subsistence-level existence. . . . Unfortunately, the potential for material gain through criminal behavior looks more realistic to some parolees than the prospect of escaping poverty through legitimate employment.

evidently need assistance in adjusting to release, especially in the first weeks of supervision, overall caseloads could be reduced. Reduced caseloads may actually result in fewer violations, since parole and probation officers will be focusing their efforts on offenders who pose the greatest risk of returning to criminal behavior. Success with these individuals holds out the promise of reducing overall recidivism and promoting public safety.¹² The goal is to significantly increase the quality and intensity of supervision so that sanctions imposed in lieu of incarceration are meaningful, thereby increasing the chances for successful rehabilitation while reducing the likelihood of recidivism.

A third way jurisdictions can improve their parole and probation systems is to change the way probation and parole agencies perceive their role in offender supervision and the way in which probation and parole officers are themselves evaluated. In recent years, some parole and probation officers have come to view themselves as functioning in a law enforcement rather than social service capacity, and see themselves as adversaries of rather than mentors to an offender. This perception produces a mode of performance that is more oriented toward surveillance than assistance. Officers work to catch an offender in some act of disobedience and are unwilling to tolerate the predictable slips that accompany adjustment, particularly where substance abuse is involved. In too many jurisdictions, probation and parole officers play the role of enforcer, identifying with the police more closely than with community institutions that might offer support to an individual trying to stay out of trouble.¹³ This culture is reinforced when job performance is measured by the number of parole and probation revocations issued and the number of people sent to or returned to prison.

If parole and probation officers are empowered and encouraged to utilize sanctions other than outright revocation when offenders violate the conditions of supervision, if they are permitted to focus their energy on offenders who need the most help, and if an important factor in assessing the performance of officers is their success in helping offenders reintegrate, there is a greater opportunity to enhance public safety by enabling offenders to overcome addictions, find housing, receive job training and placement assistance, and other services. Public safety must remain the central responsibility of parole and probation agencies, but it is not enhanced by taking offenders whose behavior could be modified and recycling them in and out of prison without

¹² Reduced parole caseloads are an important feature of the model reentry programs offered by the Illinois Department of Corrections through the Sheridan Correctional Center. The goal of the Sheridan program is to prepare offenders for reentry while they are still in custody, and provide a continuum of care when they reenter the community. The Gateway program offers substance abuse programming, and the Safer Foundation offers job training and placement. Re-arrest rates for graduates of the Sheridan program in 2003 were 5%, as opposed to 51% for the rest of the population under supervision.

¹³ The Commission was told that in Cook County, Illinois, parole officers wear sidearms and ride in squad cars. We understand that this is not unusual, and that in many jurisdictions parole officers have come to look and act as if they are performing primarily a law enforcement function.

providing them the tools they need to change. When offenders successfully transform their lives, they are by definition no longer a threat to the community.

The Commission heard testimony about encouraging changes beginning in the culture of parole boards to meet the new understanding of the ways in which successful reentry enhances community safety. Jorge Montes, Chair of the Illinois Prisoner Review Board, testified at the Commission's March 31 hearing that when he joined his Board in the 1990s, it tended to view parole enforcement in black and white terms, and to treat any violations with zero tolerance.¹⁴ He shared the story of one young man who appeared before him at a parole revocation hearing. This parolee was required to stay within a certain geographic area as a condition of his release, which was monitored by an electronic device. His parole was revoked because he strayed outside of the allowed area for a period of thirty minutes. The young man explained to Montes at his hearing that he had been driving home from work and gotten a flat tire, and had been forced to detour from his regular path in order to get assistance. After hearing this story and considering other factors, such as the fact the young man maintained full time employment and was the sole provider for his family of three children, Montes refused to revoke his parole. However, Montes' colleagues at the parole board did not agree with his decision and voted to override his decision. Fortunately, Montes was able to convince his colleagues to re-consider their vote. But for Montes the original and the reversed decisions illustrated the difference between the old and new approach to parole revocation in Illinois.

Mr. Montes testified that he has been committed to changing the culture at the Illinois Prisoner Review Board throughout his tenure as Chair of the Board. He pointed out that when he first joined his board, none of its members had been trained on issues related to offender reentry and alternatives to incarceration. The members did not feel that the personal issues facing offenders under their supervision were any of their concern, and failed to appreciate that successful re-entry of offenders was a critical link to sustaining public safety. Montes testified that the culture of the Illinois Board began to change in 2002, when board members were required to consider the impact of their decisions on the recidivism rate. The Board realized that it was not a law enforcement agency and should be addressing offender re-entry and recidivism. As in many other jurisdictions, the traditional approach is changing as parole agencies realize that they have a stake in successful reentry, and work to help the parolee contribute positively to their community.

The Illinois Prisoner Review Board is also instituting new programs to handle parole revocation cases more efficiently, so as to avoid unnecessary incarceration. Through this new program, parole revocation cases are reviewed during initial jail intake to determine if there are alternative programs available in the community as opposed to incarceration. If alternative programs are available, then the detention hold is lifted and the person is released under community supervision.

¹⁴ March 31 Hearing Notes, available at <http://www.abanet.org/cccs>.

Some of the other states whose officials testified have also begun taking a new approach to parole violators. The Arkansas Department of Community Correction instituted a formal Technical Violators (“TV”) Program two years ago, which provides community based treatment services to parole violators for a period of 30 to 90 days as a prison alternative sanction.¹⁵ The TV Program is an intensive residential program followed by aftercare under community supervision. A resident completes the following stages of the program:

- Intake: a three day processing period.
- Orientation: a five day period where resident receives an overview of the purpose and structure, rights and responsibilities, assessment of factors contributing to violations, and strategy developments for compliance through treatment. This phase includes a counselor and may include a supervising parole/probation officer.
- Treatment: a four to five week period devoted to fulfilling the treatment plan requirements.
- Pre-Release: the last three weeks of confinement include activities and classes focusing on transition and practical matters associated with relapse prevention and increased parole/probation officer involvement.

Throughout the entire program, the parole/probation officer maintains contact with the offender at least once a day, either through a personal visit or telephone call. This contact fosters a continuous relationship between the offender and the parole/probation officer, demonstrates the officer’s interest in the offender’s progress, and allows discussion of aspects of the parole plan for release.

The Arkansas Technical Violators program began two years ago with female offenders. To date, only 14% of the participants have committed new crimes and been sent back to prison. In March 2005, a new 300-bed program for men was started, and in its first year 1200 people have gone through centers with only 2% of the participants returning to prison. This program serves as an inspiring example of how recidivism rates can be lowered by addressing the causes of non-compliance with the terms of supervision through therapeutic methods.

Connecticut also has an Offender Re-entry and Technical Violations Program to reduce parole and/or probation violations.¹⁶ Connecticut understood it had a problem when it was incarcerating over 2,000 people on non-criminal violations each year, and instituted reforms to prevent re-incarceration by intervening and assisting offenders who

¹⁵ Testimony of David Guntharpe, Director of the Arkansas Department of Community Corrections, ABA Commission on Effective Criminal Sanctions Hearing, March 3, 2006, available at <http://www.abanet.org/cecs>. In addition, information about the Arkansas program is also available on this website under Hearing Materials.

¹⁶ Testimony of William Carbone, Executive Director of Connecticut Court Support Services Division of the Judicial Branch, ABA Commission on Effective Criminal Sanctions Hearing, March 3, 2006, available at <http://www.abanet.org/cecs>.

are violating their terms of release and are on the brink of returning to prison. The offender is referred to a special probation unit, where each officer has only 25 cases and is able to devote additional time and resources in assisting the offender with the issues relating to their non-compliance.

In addition, Connecticut began a Probation Transition Program in October 2004 to prepare offenders for community supervision prior to release. The program educates inmates on how to successfully work with community supervision officers. Probation officers meet with clients 90 days prior to their projected release date, to explain the terms and conditions of release and to develop a re-entry plan. The probation officers assigned to this program only have 25 cases and are able to devote more time to each client during the offender's initial transitional phase from prison. Offenders remain in this program for a four month period after release, and then their cases are transferred to a traditional probation officer who has a much heavier caseload. This program has proven successful; a study conducted by Central Connecticut State University indicated a nearly 40% reduction in non-criminal violations among participants in the transition program as compared to a matched control group. The key to this program's success seems to be its provisions of additional support for the critical months just after release, when the danger of recidivism is greatest.

Both Georgia and Ohio have taken a different approach, offering "incentive" programs centered around rewards for good behavior and program accomplishments. The Georgia Parole Board's Behavior Response and Adjustment Guide describes different levels of suggested responses ("incentives") for positive accomplishments by parolees. Low-level incentives include verbal recognition, a letter of recognition, a certificate of completion, or a 6-month compliance certificate. Medium-level incentives include a one-year compliance certificate, Mr./Ms. Clean Award, supervision level reduction, or reduced reporting requirements. The high-level incentives might include a commutation recommendation, cognitive skills graduation, lifestyle commitment award, or reduced reporting.¹⁷ The State of Ohio created a similar program through the Supervision Accountability Plan, which provides incentives to offenders for compliance and successful reintegration.¹⁸ These programs aim to encourage parole compliance by re-enforcing and rewarding the accomplishments of offenders under their supervision, rather than punishing their small and predictable failures.

¹⁷ See Nancy Lavigne and Cynthia Mamalian, *Prisoner Reentry in Georgia*, available at http://www.urban.org/UploadedPDF/411170_Prisoner_Reentry_GA.pdf. Low level incentives may be awarded if the offender is clean of drugs or steadily employed for 90 days, or if the offender has six months of stable residence. Medium-level incentives can come from 12 months stable employment/residence, few or no violations, six months clean from substance abuse, or outpatient program completion. High-level incentives may be awarded for completion of school/GED program, 12 months of a clean drug record, 24 months of stable residence, or a record of pro-social activities.

¹⁸ In Ohio, incentives are given based on a parolee's Supervision Accountability Plan (SAP) as well as suggestions from the multi-disciplinary Community Reentry Management Teams that oversee the plan. Their program is also structured based upon low-level, medium-level, and high-level incentives, which are rated according to the completion SAP related programs and activities.

Each of these states has taken a different approach to dealing with parole violations, but all recognize the need to provide additional support to some offenders during the re-entry process. Both the Arkansas and Connecticut programs address the reasons for non-compliance rather than incarcerating parolees without any treatment. Connecticut's reduction of its parole and probation caseloads improved the quality and intensity of supervision, and lessened the likelihood of parole revocations. In most jurisdictions, high caseloads make it virtually impossible for probation and parole officers to provide offenders with the level of services needed to both assist with reentry and to ensure public safety. But states are coming to appreciate that incarceration is the most costly form of punishment to both society and the offender, and it should be used as a sanction only after all other remedies are exhausted or when the offender poses a threat to the community.

Some of the success of these reforms may be facilitated by extrinsic considerations peculiar to the states themselves. Both Arkansas and Connecticut are relatively small states, and both administer their community corrections programs on a centralized basis. Both have had a good deal of success in convincing the state legislature that money is well spent on reentry programs, both in short run prison savings, and in longer range community stability as prisoners return and reestablish themselves with their families. Both collaborate with a centralized public defender system and, in Connecticut, a centralized appointed prosecutor staff. In Arkansas, the Community Corrections Department is independent of the prison system, and has the ear of the governor. Both the Georgia and Ohio Parole Boards have had strong and forward-looking leadership in recent years. It is harder to imagine accomplishing these kinds of reforms in states where community supervision is handled at the county level, where the political establishment still believes that locking people up is the way to make communities safer, and where funds are allocated accordingly.

Discussions with the National District Attorney's Association led the Commission to emphasize that different jurisdictions will find different ways to improve the quality of supervision and the performance of probation and parole officers. In each jurisdiction, it is important that standards be set for probation and parole officers that recognize that they are responsible for protecting the community and for facilitating successful re-entry. It would be undesirable for a jurisdiction to measure the performance of officers solely on the basis of the number of individuals whose probation or parole was revoked, or on the number of offenders who completed probation or parole without being revoked. There is nothing commendable about a system that revokes individuals unnecessarily and imposes the costs of jail or prison on them and the community while depriving them of the services and resources that might enable them to successfully complete probation or parole. Similarly, there is nothing commendable about a system that encourages officers to let offenders remain in the community when they pose a danger to public safety. Each jurisdiction ought to encourage its officers to find the right balance and to use meaningful graduated sanctions to encourage successful re-entry while simultaneously protecting community safety. This means that officers should be encouraged and trained how to decide when to revoke the probation or parole and for how long (i.e., for periods that are reasonably necessary to modify the individual's behavior and deter future violations), and

when to use graduated sanctions that permit an offender to remain free from jail or prison and to learn from his/her mistakes. The goal is to reward officers for making the best decisions from the standpoint of the community and the offender.

Respectfully submitted,

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James R. Thompson, Co-Chair

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