CHAPTER 10

Probation, Parole, and Community Corrections
What is Probation?

• Community corrections
  ▪ The use of a variety of officially ordered program-based sanctions that permit convicted offenders to remain in the community under conditional supervision

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What is Probation?

- Probation
  - A sentence of imprisonment that is suspended
- Today, probation is the most common form of criminal sentencing in the United States.
Probation Conditions

- General Conditions
  - Apply to all probationers in a given jurisdiction
- Special Conditions
  - May be mandated by the judge who feels that the probationer is in need of particular guidance or control
The Federal Probation System

- Known as the United States Probation and Pretrial Services System
  - Approximately 80 years old
- A vigorous campaign by the National Probation Association, Congress passed the Nation Probation Act in 1925.
  - This authorized the use of probation in federal courts
The Federal Probation System

- Federal probation and pretrial services officers are federal law enforcement officers.
  - Authority to arrest or detain individuals of violations of the conditions of their probation.
What is Parole?

• Parole
  ▪ The status of a convicted offender who has been conditionally released from prison by a paroling authority before the expiration of his or her sentence

• Prisoner Reentry
  ▪ The managed return to the community of individuals released from prison

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What is Parole?

- **Parole Board**
  - State paroling authority that grants parole based on the board members' judgment and assessment

- **Statutory Decrees**
  - Mandatory release
    - The release of an inmate from prison that is determined by statute or sentencing guidelines

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What is Parole?

- Discretionary release
  - The release of an inmate from prison to supervision that is decided by a parole board or other authority
- Medical parole
  - Early release option under which an inmate is deemed 'low risk' due to a serious physical and mental health condition under normal circumstances
Parole Conditions

• Conditions of Parole
  ▪ The general and specific limits imposed on an offender who is released on parole

• Parole Violation
  ▪ An act or failure to act by a parolee that does not conform to the conditions of parole
Parole Conditions

- Parole Revocation
  - The administrative action of removing a person from parole in response to a violation of conditions
Parole Conditions

- Restitution
  - A court requirement that an alleged or convicted offender pay money or provide services to the victim of the crime or provide services to the community
Pros and Cons of Probation and Parole

• Advantages
  ▪ Lower costs
  ▪ Increased employment
  ▪ Restitution
  ▪ Community support
  ▪ Reduced risk of criminal socialization
  ▪ Increased use of community services
  ▪ Increased opportunity for rehabilitation

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Pros and Cons of Probation and Parole

• Disadvantages
  ▪ Relative lack of punishment
  ▪ Increased risk to the community
  ▪ Increased social costs
The Legal Environment

• Revocation hearing
  - A hearing held before a legally constituted hearing body to determine whether a parolee or probationer has violated the conditions and requirements of parole or probation
  - About 25% of probationers and 26% of parolees have their conditional release revoked.

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The Legal Environment

- Conditional release
  - The release of an inmate from prison to community supervision with a set of conditions for remaining on parole

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The Legal Environment

- Most frequent violations for which revocation occurs include:
  - Failure to report as required.
  - Failure to participate in treatment programs.
  - Alcohol or drug abuse while under supervision.
The Job of Probation and Parole Officers

- Presentence investigations
- Intake procedures
- Diagnosis and needs assessment
- Client supervision
The Challenges of the Job

- The need to balance two conflicting sets of duties:
  - Provide quasi-social-work services
  - Handle custodial responsibilities
- The social work model stresses the service role and views probationers and parolees as clients.
  - Assess the needs of the client
  - Match clients with community resources

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The Challenges of the Job

- Correctional model
  - Careful and close supervision
  - Periodically visit clients at home and at work
- Large caseloads
  - A caseload is the number of probation or parole clients assigned to one probation or parole officer for supervision
Intermediate Sanctions

- Split sentencing
  - A sentence explicitly requiring the convicted offender to serve a period of confinement followed by a period of probation

- Shock probation or parole
  - Offender serves a relatively short period of time in custody and is released to probation.

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Intermediate Sanctions

• Shock incarceration
  ▪ Sentencing option that makes use of "boot camp"-type prisons

• Mixed sentencing
  ▪ A sentence that requires that a convicted offender serve weekends in a confinement facility

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Intermediate Sanctions

• Community Service
  ▪ A sentencing alternative that requires offenders to spend at least part of their time working for a community agency

• Intensive Probation Supervision (IPS)
  ▪ A form of probation supervision involving frequent face-to-face contact between the probationer and the probation officer

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Intermediate Sanctions

- **Home Confinement (House Arrest)**
  1. Curfew
  2. Home detention
  3. Home incarceration

- **Remote Location Monitoring**
  - Supervision strategy that uses electronic technology to track offenders who are sentenced to house arrest

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Intermediate Sanctions

• Three distinct advantages of intermediate sanctions
  ▪ Less expensive to operate per offender
  ▪ Socially cost-effective by keeping the offender in the community
  ▪ Provide flexibility in terms of resources
Critique of Probation and Parole

- Parole was widely criticized during the 1980s and 1990s by citizen groups that claimed that it unfairly reduces prison sentences imposed on serious offenders.
- 70% of parole violators in prison were arrested or were convicted of new offenses while on parole.
Changes in Reentry Policies

• Almost 2 out of every 3 people released from prison are rearrested within three years of their release.
• 3/4 of those released from prison or jail have a history of substance abuse.
• 2/3 do not have a high school diploma.
• Nearly half of those leaving jail earned less than $600 per month immediately prior to incarceration.

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Changes in Reentry Policies

- The rate of serious mental illness among released inmates is at least three times higher than the rate of mental illness among the general population.
- More than 1/3 of jail inmates have a physical or mental disability.

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Changes in Reentry Policies

• Serious Violent Offender Reentry Initiative (SVORI)
  ▪ Geared toward serious and violent offenders

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Changes in Reentry Policies

• SVORI Phases
  - Phase I Protect and Prepare
    - Institution-Based Programs
  - Phase II Control and Restore
    - Community-Based Transition Programs
  - Phase III Sustain and Support
    - Community-Based Long-Term Support Programs
The Reinvention of Probation

- The rehabilitative ideal is far less popular today than it has been in the past.
- Probation advocates have been forced to admit that it is not a very powerful deterrent because it is far less punishing than a term of imprisonment.