

CHAPTER 10

Probation, Parole, and Community Corrections

Teaching Outline

I. Introduction (p.300)

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 as an alternative to active prison sentences. (p.300)

Instructional Cue

Although all of the sentencing options discussed in Chapter 10 can be considered community-based sentences, stress that the type of restriction varies depending on the sentence. For example, house arrest is more restrictive than straight probation, electronic monitoring is more restrictive than house arrest, and shock incarceration is more restrictive than electronic monitoring.

II. What Is Probation? (p.300)

- Probation is a sentence served while under supervision in the community. It is a court-ordered sanction combining control with opportunities for rehabilitation.

Probation: A sentence of imprisonment that is suspended. Also, the conditional freedom granted by a judicial officer to a convicted offender, as long as the person meets certain conditions of behavior. (p.300)

A. The Extent of Probation (p.300)

- Probation is the most common form of criminal sentencing in the United States.
- As of January 1, 2012, 57% of all offenders under correctional supervision in the U.S. were on probation.
- Even violent offenders have a one in five chance of receiving a probationary term.
- Persons supervised yearly on parole has increased greatly since 1980.

B. Probation Conditions (p.302)

- Offenders sentenced to probation must agree to abide by court-mandated conditions of probation.
- General conditions apply to all probationers in a given jurisdiction; special conditions may be mandated by a judge for a particular offender.

Probation Revocation: A court order taking away a convicted offender's probationary status and usually withdrawing the conditional freedom associated with that status in response to a violation of the conditions of probation. (p.302)

C. The Federal Probation System (p.302)

- Federal probation was authorized by the National Probation Act of 1925.

- Federal probation and pretrial services officers have authority to arrest or detain individuals suspected or convicted of federal offenses and to arrest probationers for violation of probation conditions.

III. What Is Parole? (p.304)

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, is placed under the supervision of a parole agency, and is required to observe the conditions of parole. (p.305)

Prisoner Reentry: The managed return to the community of individuals released from prison. Also called *reentry*. (p.305)

Parole Board: A state paroling authority. Most states have parole boards that decide when an incarcerated offender is ready for conditional release. Some boards also function as revocation hearing panels. (p.305)

Discretionary Release: The release of an inmate from prison to supervision that is decided by a parole board or other authority. (p.305)

Medical Parole: An early release option under which an inmate who is deemed “low risk” due to a serious physical or mental health condition is released from prison earlier than he or she might have been under normal circumstances. (p. 305)

A. The Extent of Parole (p.305)

- There is a growing reluctance to use parole today and discretionary parole releases are far less common than they used to be.
- About 52% of parolees successfully complete parole, 23% are returned to prison for parole violations, another 9% go back to prison for new offenses committed during their parole period; the remainder may be transferred to new jurisdictions, abscond and not be caught, or die.

Mandatory Release: The release of an inmate from prison that is determined by statute or sentencing guidelines and is not decided by a parole board or other authority. (p.305)

Parole (Probation) Violation: An act or a failure to act by a parolee (or probationer) that does not conform to the conditions of his or her parole (or probation). (p.305)

B. Parole Conditions (p.305)

Conditions of Parole (Probation): The general and special limits imposed on an offender who is released on parole (or probation). General conditions tend to be fixed by state statute, whereas special conditions are mandated by the sentencing authority (court or board) and take into consideration the background of the offender and the circumstances of the offense. (p.305)

Instructional Cue

The following example can help you describe the general and specific conditions of probation. Alice Meyer was convicted of drunk driving (her second offense). The judge sentenced her to probation. Thus, she had to abide by the general conditions of probation in that jurisdiction, which included meeting with her probation officer once a month, obeying all laws, and maintaining employment. The judge added two specific conditions to her probation. First, she was required to attend Alcoholics Anonymous meetings once a week. Second, she had to attend a victim-impact panel. At these panels, offenders listen to survivors of drunk-driving accidents talk about the harm caused by the crime.

Parole Revocation: The administrative action of a paroling authority removing a person from parole status in response to a violation of lawfully required conditions of parole, including the prohibition against commission of a new offense, and usually resulting in a return to prison. (p.305)

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. (p.306)

C. Federal Parole (p.306)

- Federal parole decisions are made by the U.S. Parole Commission.
- Federal parole has been abolished for offenses committed after November 1, 1978 and it is slowly being phased out.

IV. Probation and Parole: The Pluses and Minuses (p.306)

A. Advantages of Probation and Parole (p.306)

- The cost is lower.
- There is increased employment.
- Restitution is made possible.
- There is community support.
- There is a reduced risk of criminal socialization.
- There is an increased use of community services.
- There is an increased opportunity for rehabilitation.

B. Disadvantages of Probation and Parole (p.307)

- There is a relative lack of punishment.
- There is an increased risk to the community.
- There are increased social costs.

V. The Legal Environment (p.307)

- Probation officers may conduct a search of a probationer's residence without a warrant or without probable cause (*Griffin v. Wisconsin*). This holding applied to parolees in *Pennsylvania Board of Probation and Parole v. Scott*.

- The most frequent violations for which revocation occurs are (1) failure to report as required to a parole or probation officer; (2) failure to participate in a stipulated treatment program, and (3) alcohol or drug abuse while under supervision.
- California has authorized non-revocable parole.

Instructional Cue

You may want to review the important legal aspects discussed in Chapter 5. Remind students about the purpose of the exclusionary rule and Miranda protections. You can also use this discussion as an opportunity to demonstrate how conviction changes an offender's legal status.

Revocation Hearing: A hearing held before a legally constituted hearing body (such as a parole board) to determine whether a parolee or probationer has violated the conditions and requirements of his or her parole or probation. (p.308)

Conditional Release: The release of an inmate from prison to community supervision with a set of conditions for remaining on parole. If a condition is violated, the individual can be returned to prison or face another sanction in the community. (p.308)

VI. The Job of Probation and Parole Officers (p.310)

A. Job descriptions (p.310)

- The four functions of probation/parole work include the following:
 - Presentence investigations
 - Intake procedures
 - Needs assessment and diagnosis
 - Supervision of clients

B. The Challenges of the Job (p.311)

- A major challenge is the need to balance conflicting duties (social work versus corrections).
- Caseloads are extremely high.
- There is a lack of opportunity for career mobility.
- Stress is a major concern; the main sources of stress are high caseloads, extensive paperwork, and pressures associated with deadlines.

Caseload: The number of probation or parole clients assigned to one probation or parole officer for supervision. (p.312)

VII. Intermediate Sanctions (p.312)

Intermediate Sanctions: The use of split sentencing, shock probation or parole, shock incarceration, mixed sentencing, community service, intensive probation supervision, or home confinement in lieu of other, more traditional, sanctions, such as imprisonment and fines. (p.312)

A. Split Sentencing (p.313)

Split Sentence: A sentence explicitly requiring the convicted offender to serve a period of confinement in a local, state, or federal facility, followed by a period of probation. (p.313)

B. Shock Probation and Shock Parole (p.313)

Shock Probation: The practice of sentencing offenders to prison, allowing them to apply for probationary release, and enacting such release in surprise fashion. Offenders who receive shock probation may not be aware of the fact that they will be released on probation and may expect to spend a much longer time behind bars. (p.313)

C. Shock Incarceration (p.314)

Shock Incarceration: A sentencing option that makes use of “boot camp”-type prisons to impress on convicted offenders the realities of prison life. (p.314)

Recidivism: The repetition of criminal behavior. In statistical practice, a recidivism rate may be any of a number of possible counts or instances of arrest, conviction, correctional commitment, or correctional status change related to repetitions of these events within a given period of time. (p.314)

D. Mixed Sentencing and Community Service (p.314)

Mixed Sentence: A sentence that requires that a convicted offender serve weekends (or other specified periods of time) in a confinement facility (usually a jail) while undergoing probationary supervision in the community. (p.315)

Community Service: A sentencing alternative that requires offenders to spend at least part of their time working for a community agency. (p.315)

E. Intensive Probation Supervision (p.315)

Intensive Probation Supervision (IPS): A form of probation supervision involving frequent face-to-face contact between the probationer and the probation officer. (p.315)

F. Home Confinement and Remote Location Monitoring (p.315)

Home Confinement: House arrest. Individuals ordered confined to their homes are sometimes monitored electronically to ensure they do not leave during the hours of confinement. Absence from the home during working hours is often permitted. (p.316)

Remote Location Monitoring: A supervision strategy that uses electronic technology to track offenders who are sentenced to house arrest or those who have been ordered to limit their movements while completing a sentence involving probation or parole. (p.316)

VIII. The Future of Probation and Parole (p.318)

- Parole has been widely criticized for unfairly reducing sentences and failing to reduce recidivism.
- Prisoners claim parole is sometimes arbitrarily granted and creates an undue amount of uncertainty and frustration in the lives of inmates.

A. Changes in Reentry Policies (p.318)

- A 2005 report by the Reentry Policy Council called for a re-inventing of reentry, requiring a multi-system, collaborative approach taking into account all aspects of the problem.
- Reentry courts are an innovative approach to managing former prisoners who are returning to their communities.

B. The Reinvention of Probation (p.321)

- Probation has been criticized for failing to be a powerful deterrence.
- In 2008, the Pew Center on the States released a report outlining 13 strategies for probation and parole.

Learning Activities Utilizing the World Wide Web

The following are presented as instructor led activities, to be used in a classroom with online access.

Visit the American Probation and Parole Association at <http://www.appa-net.org>. Use the site map on the home page to locate APPA position statements. For classroom presentation, display the topics these statements cover. Use this information as a discussion starter.

Visit the Alternative Dispute Resolution Resources webpage at <http://adrr.com>. This website provides essays on mediation and dispute resolution. Read and summarize some of the essays posted and provide a summary of its key ideas to display and discuss in class. Lead the class in a discussion to compare and contrast the findings from the different essays.

Other websites for organizations and agencies related to the material in Chapter 10 include:

Alternative Dispute Resolution Resources <http://adrr.com>

House Arrest Services, Inc. <http://www.housearrest.com>

International Institute for Conflict Prevention and Resolution <http://www.cpradr.org>

Justice Concepts Inc. <http://www.justiceconcepts.com>

Mediation Works, Inc. <http://www.mwi.org>

National Center on Institutions and Alternatives	http://www.igc.org/ncia
The Sentencing Project	http://www.sentencingproject.org
Victim-Offender Reconciliation Program Resources	http://www.vorp.com
American Probation & Parole Association (APPA)	http://www.appa-net.org
International Community Corrections Association	http://www.iccaweb.org