

Chapter 4: Probation

Probation

Conditional release of a convicted offender into the community, under the supervision of a probation officer.

- It is conditional because it can be revoked if certain conditions are not met.

Reasons for Probation

- Permits offenders to remain in their communities and facilitates reintegration.
- Avoids the institutionalization and stigma of imprisonment.
- Less expensive, more humanitarian, and as effective as incarceration.
- Fair treatment for offenders whose crimes do not merit incarceration.

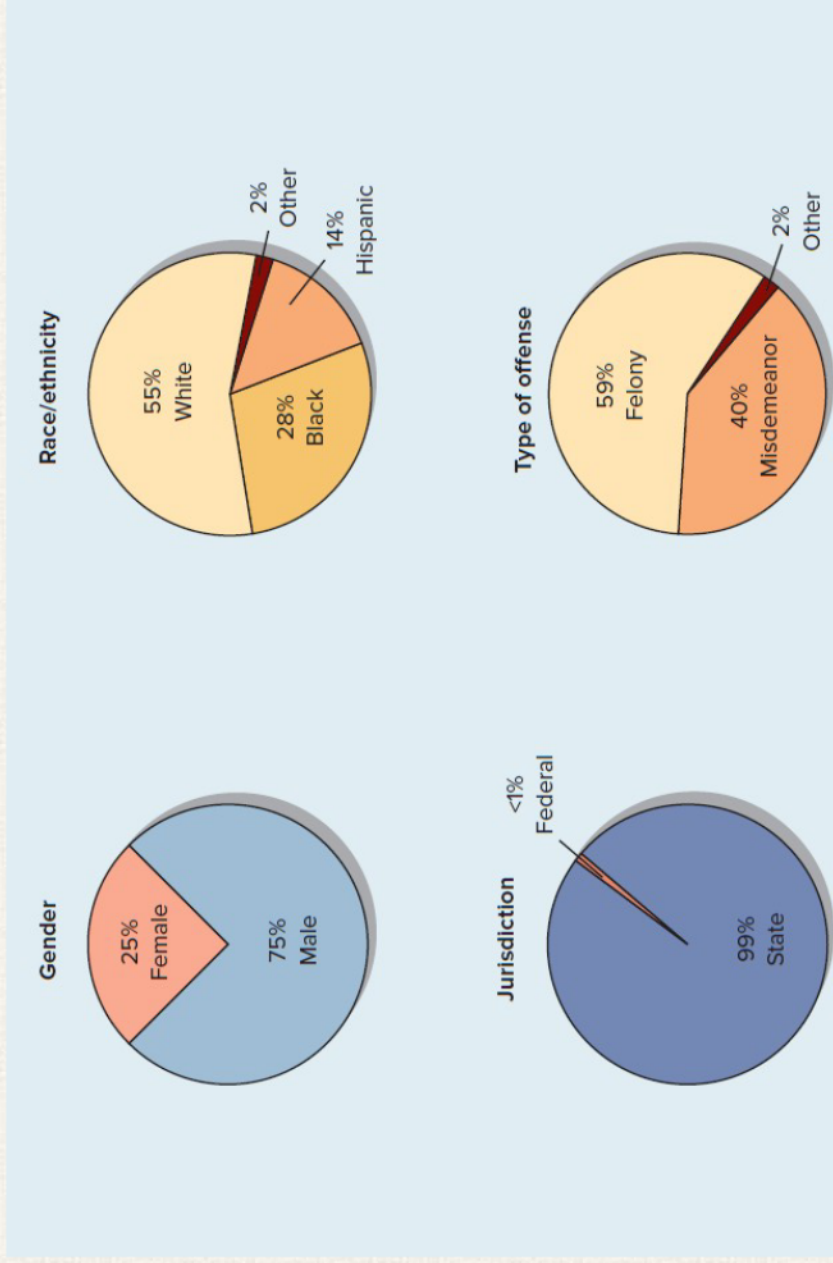
Goals of Probation

- Protect the community.
- Carry out court-imposed sanctions.
- Identify the level of supervision and the services probationers need.
- Support crime victims.
- Coordinate and promote the use of community resources.

History of Probation

- John Augustus developed conditions of probation and helped offenders with employment, education, and housing.
 - Bailed out approximately 2000 people
 - Assisted in helping offender gain employment and housing
 - Would report on offender's progress in court
- The National Probation Act of 1925 made probation a national institution.

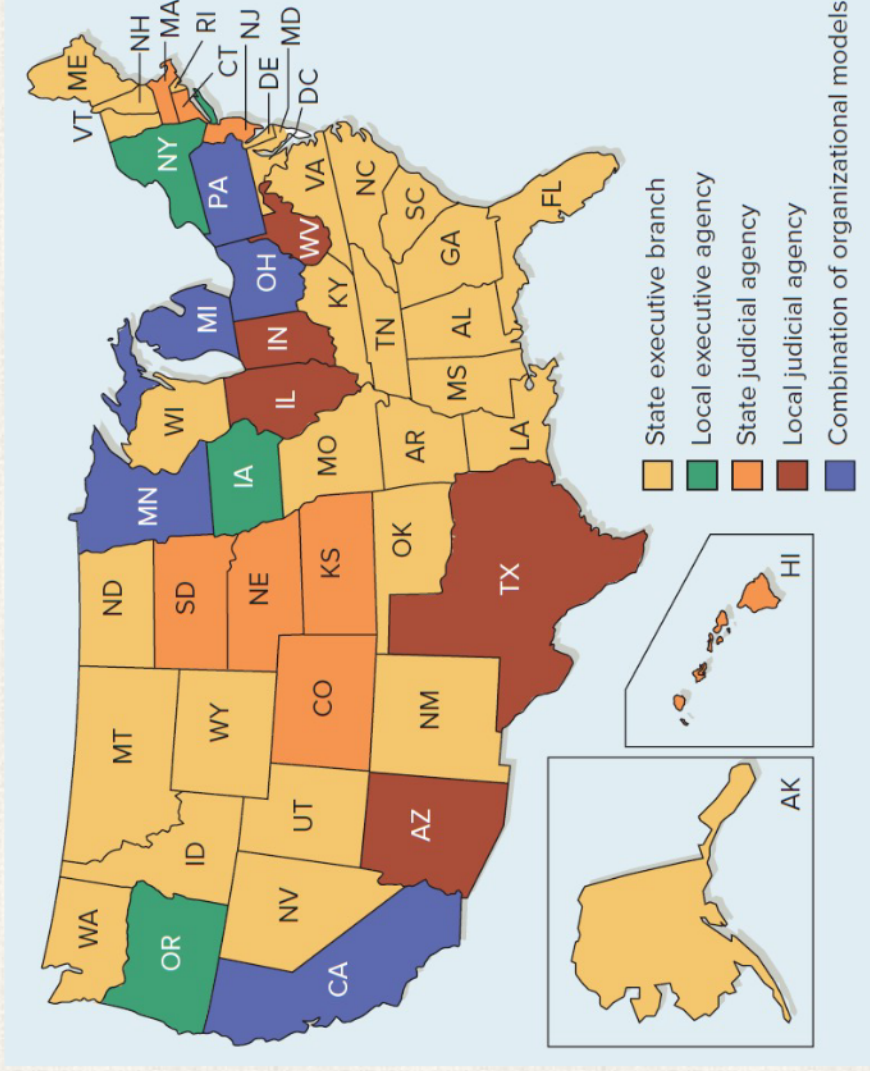
Exhibit 4.3: Selected Characteristics of Adults on Probation



Source: Bureau of Justice Statistics.

[Access the text alternative for this image.](#)

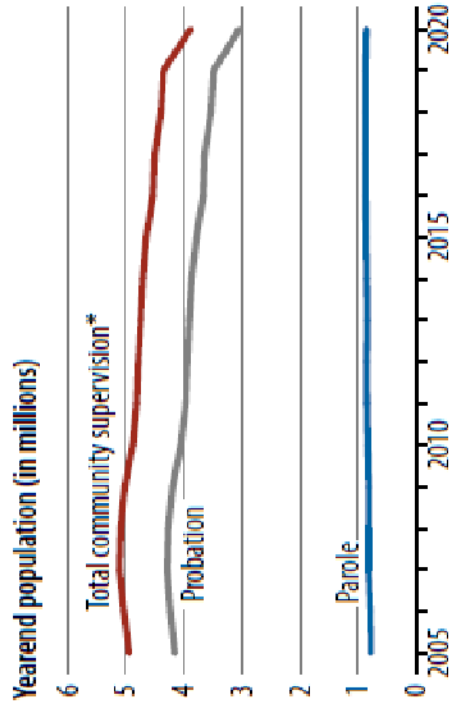
Exhibit 4.4: Administration of Adult Probation in the United States



Source: National Institute of Corrections.

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FIGURE 1
Adults on probation or parole, 2005–2020

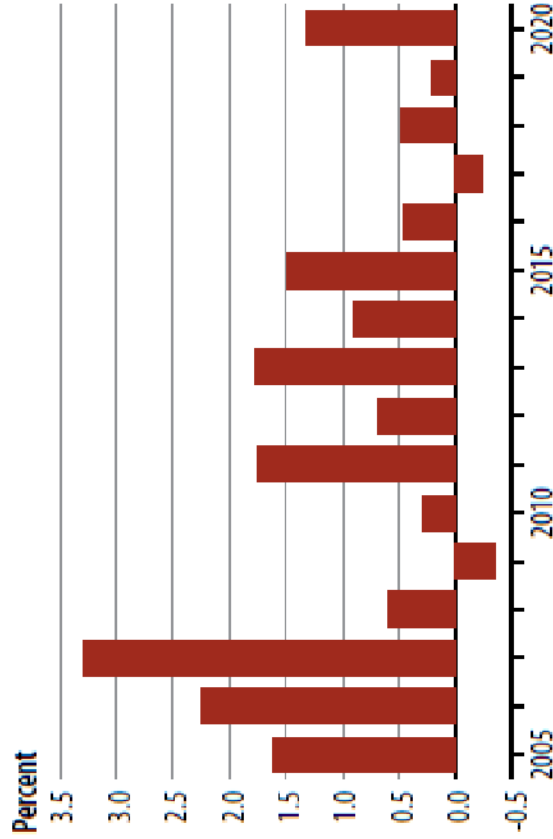


Note: Counts for 2019 and earlier may differ from previously published statistics. Counts are for December 31 of each year. See table 1 for counts from 2005 to 2020.

*Details may not sum to totals because the community supervision counts were adjusted to exclude 25,400 adults on parole who were also on probation. See table 9 for counts of adults on parole who were also on probation.

Source: Bureau of Justice Statistics, Annual Probation Survey and Annual Parole Survey, 2005–2020.

FIGURE 3
Annual percent change of adults on parole, 2005–2020



Note: Counts for 2019 and earlier may differ from previously published statistics. See appendix table 2 for estimates. Annual percentage change is based on the difference in population from January 1 to December 31 for each year.

Source: Bureau of Justice Statistics, Annual Parole Survey, 2005–2020.

TABLE 2**Decrease in probation population, by jurisdiction, 2020**

Jurisdiction	January 1, 2020	December 31, 2020	Change in population	Percent of decrease	Number of jurisdictions
U.S. total	3,330,200	3,053,700	-276,500	100%	52
Jurisdictions with a decrease in probation	3,063,500	2,773,600	-289,900	..	44
Texas	367,300	334,400	-33,000	11.4%	-
Florida	203,600	179,600	-24,000	8.3	-
New Jersey	135,000	112,500	-22,500	7.8	-
Ohio	220,600	201,500	-19,200	6.6	-
Michigan	137,800	118,800	-19,000	6.6	-

Note: See appendix table 6 for estimates for all jurisdictions. The five states with the largest decrease in population included in table.

..Not applicable.

Source: Bureau of Justice Statistics, Annual Probation Survey, 2020.

TABLE 3**Increase in parole population, by jurisdiction, 2020**

Jurisdiction	January 1, 2020	December 31, 2020	Change in population	Percent of increase	Number of jurisdictions
U.S. total	851,000	862,100	11,100	100%	52
Jurisdictions with an increase in probation	507,200	527,900	20,700	..	30
Pennsylvania	84,600	88,300	3,700	17.7%	-
California	107,100	110,300	3,200	15.5	-
Nevada	7,100	9,200	2,100	10.3	-
Tennessee	11,000	12,400	1,400	6.8	-
Texas	109,200	110,400	1,300	6.2	-

Note: See appendix table 9 for estimates for all jurisdictions. The five states with the largest increase in population included in table.

..Not applicable.

Source: Bureau of Justice Statistics, Annual Parole Survey, 2020.

Does Probation Work?

Recidivism: Repetition of criminal behavior, generally defined as rearrest.

- Primary outcome measure for probation.

Combining control-focused strategies with treatment strategies reduces recidivism rates of program participants compared with a treatment-as-usual group.

Figure 5.15
Criminal Justice Outcomes for Prison Releases Assigned to Select Correctional Jobs/Programs:
Two-Year Follow-Up

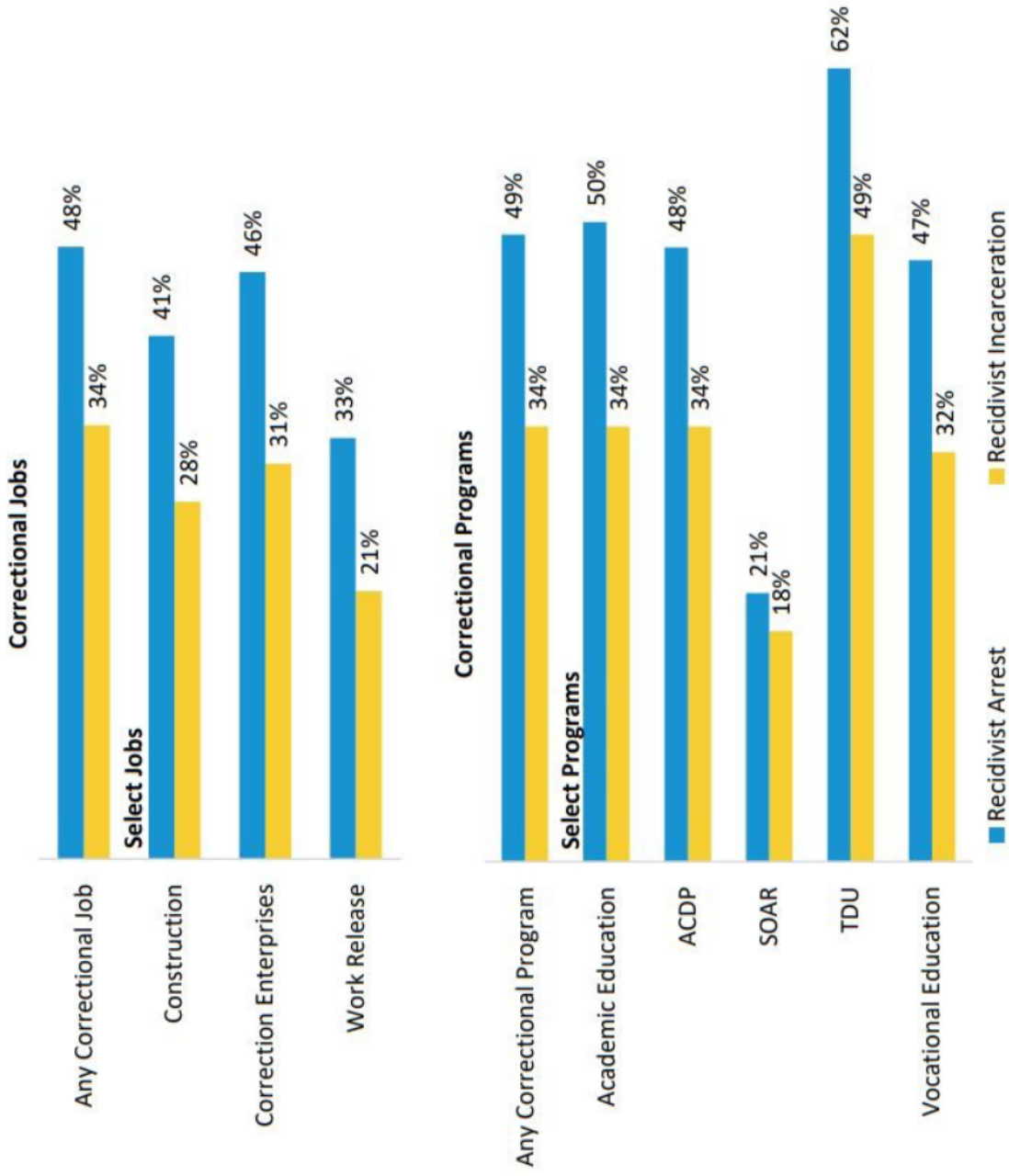
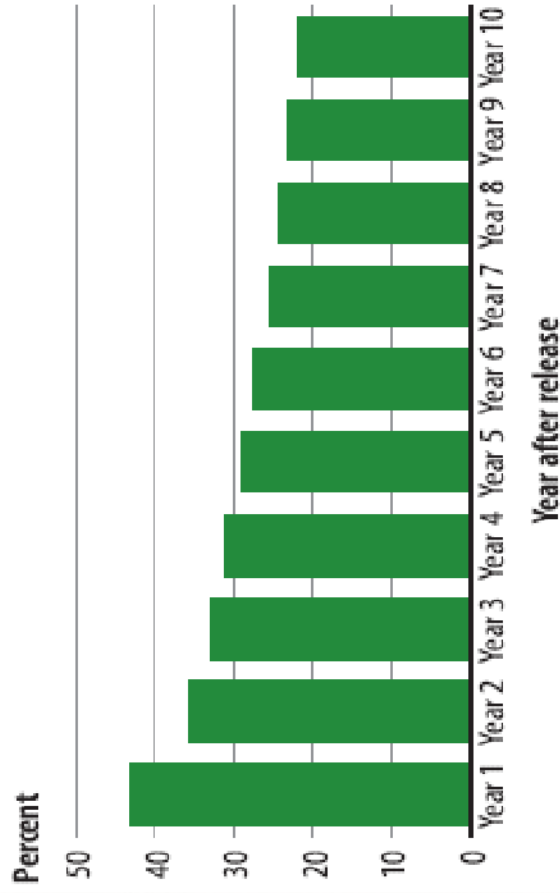


FIGURE 1

Annual arrest percentage of state prisoners released in 24 states in 2008



Note: Prisoners could have been arrested multiple times after release (e.g., a prisoner arrested in Year 1 and Year 3 is included in percentages for both years). See table 17 for estimates and appendix table 12 for standard errors.

Source: Bureau of Justice Statistics, Recidivism of State Prisoners Released in 2008 data collection, 2008–2018.

TABLE 5

Cumulative percent of state prisoners released in 24 states in 2008 who were arrested following release, by most serious commitment offense, type of prison admission, and year following release

	Number of released prisoners	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
All released prisoners	409,300	42.9%	58.0%	66.2%	71.2%	74.8%	77.3%	79.0%	80.2%	81.1%	81.9%
Most serious commitment offense											
Violent	100,100	38.4%	52.6%	60.7%	65.6%	69.4%	71.8%	73.5%	74.8%	75.7%	76.7%
Homicide ^a	7,300	22.1	33.5	40.4	45.1	48.8	51.3	53.4	54.9	56.3	57.4
Murder/nonnegligent manslaughter	4,700	21.1	32.5	39.6	44.1	47.6	50.1	52.1	53.8	55.1	56.1
Negligent manslaughter	2,400	24.3	35.9	42.3	47.2	51.1	53.9	56.1	57.3	58.7	60.0
Rape/sexual assault	17,600	27.6	39.2	45.9	50.5	54.1	56.5	58.7	60.4	61.7	62.8
Robbery	28,700	40.2	56.6	64.6	70.4	75.2	77.8	79.6	80.6	81.4	82.5
Assault	36,400	44.8	59.6	68.0	72.7	75.7	77.7	79.1	80.4	81.2	82.0
Other violent	10,100	41.3	52.7	63.2	66.9	72.2	74.7	76.3	77.3	78.1	79.6
Property	121,000	49.3	64.6	72.5	77.3	80.8	83.0	84.2	85.2	86.1	86.7
Burglary	45,600	47.7	63.8	72.0	77.6	81.6	83.7	85.1	86.1	87.0	87.4
Larceny/motor vehicle theft	39,900	54.7	68.7	76.1	79.6	82.7	84.6	85.4	86.1	86.9	87.6
Fraud/forgery	20,200	41.7	56.8	65.3	70.7	73.9	76.7	78.5	79.9	81.1	82.2
Other property	15,200	49.9	67.2	74.0	79.4	82.9	84.8	86.0	86.7	87.7	88.0
Drug	123,900	40.7	56.2	64.8	70.0	73.6	76.4	78.2	79.5	80.5	81.4
Possession	46,500	44.6	59.8	67.8	72.7	76.1	78.9	80.6	81.7	82.4	83.0
Trafficking	51,300	40.7	56.0	64.5	69.7	73.3	76.0	77.6	78.8	79.9	80.9
Other drug	26,100	33.8	50.6	59.9	65.8	69.9	72.8	75.1	76.9	78.2	79.4
Public order	64,300	41.8	57.6	65.8	70.7	74.1	77.2	79.3	80.4	81.5	82.1
Weapons	17,500	46.6	64.7	72.5	76.8	79.7	82.5	84.7	85.7	86.9	87.4
Other public order	46,900	40.0	54.9	63.3	68.5	72.1	75.2	77.3	78.5	79.4	80.1
Type of prison admission^b											
New court commitment	266,600	36.8%	52.1%	61.0%	66.3%	70.2%	73.0%	74.9%	76.2%	77.3%	78.3%
Conditional release violation	127,400	56.3	71.3	78.0	82.1	85.2	87.0	88.0	89.0	89.6	90.0

Note: For prisoners serving time for more than one offense, the most serious offense is the one with the longest sentence length. Data on prisoners' type of prison admission were reported for 98% of cases. The number of released prisoners is rounded to the nearest 100. See appendix table 3 for standard errors.

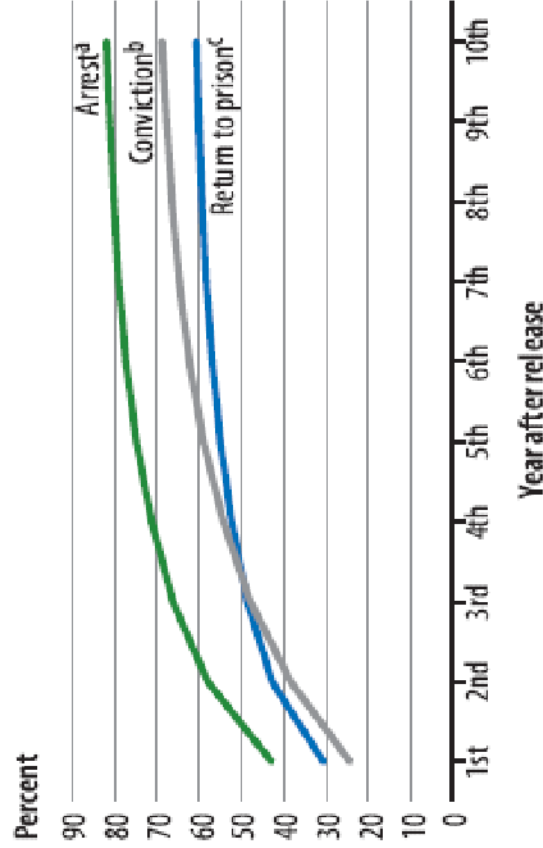
^aIncludes unspecified homicide offenses that are not shown separately.

^bExcludes missing data.

Source: Bureau of Justice Statistics, Recidivism of State Prisoners Released in 2008 data collection, 2008–2018.

FIGURE 2

Cumulative percent of state prisoners released in 2008 who had a new arrest, conviction, or return to prison after release, by year following release



Note: See tables 4, 7, and 8 for estimates and appendix tables 2, 5, and 6 for standard errors.

^aEstimates are based on prisoners released across the 24 states in the study who had a new arrest.

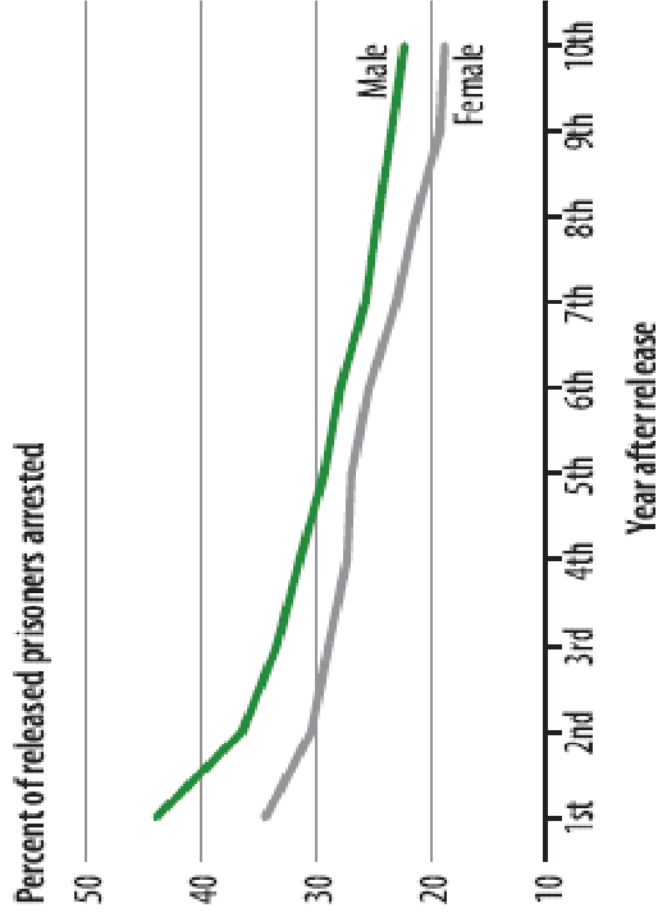
^bEstimates are based on prisoners released across the 22 states that could provide the necessary court data.

^cEstimates are based on prisoners released across the 18 states that could provide the necessary data on persons returned to prison for a probation or parole violation or an arrest that led to a new sentence.

Source: Bureau of Justice Statistics, *Recidivism of State Prisoners Released in 2008* data collection, 2008–2018.

FIGURE 3

Annual arrest percentage of state prisoners released in 24 states in 2008, by sex



Note: Prisoners could have been arrested multiple times after release (e.g., a prisoner arrested in Year 1 and Year 3 is included in percentages for both years). See table 17 for estimates and appendix table 12 for standard errors.

Source: Bureau of Justice Statistics, *Recidivism of State Prisoners Released in 2008* data collection, 2008–2018.

Guidelines for Effective Rehabilitation

Target criminogenic needs.

Provide intensive services to high-risk offenders.

Match styles of service delivery to offender responsibility.

Adhere to the principles of social and behavioral learning.

Emphasize positive reinforcers rather than negative ones.

Develop offender coping skills.

Employ staff supportive of offender rehabilitation.

Advantages of Probation

- Uses community resources to assist offenders
- Saves money
- Avoid prisonization
- Keep offenders' families off public assistance
- Provides restitution for victims
- Allows selective incapacitation

Probation Conditions

- Conditions offenders must comply with:
- No use of alcohol or drugs
- Report to PO on regular basis
- Obeying laws
- Submitting to searches
- No possession of firearms
- No association with known offenders
- Cannot leave jurisdiction without prior approval
- Notifying PO of any changes to employment or housing
- Pay probation fees

Case Investigation

Interviewing the defendant and preparing the presentence report (PSR).

Presentence Report

Assists the court in reaching a fair sentencing decision.

- Includes information on the offender's:
 - Current offense.
 - Past adult and juvenile criminal record.
 - Family history, background, and personal data.

Outlines a treatment plan for the offender.

Creation Process of a PSR¹

Starts with an interview between the PO and the defendant.

- Interview follows a structured format to obtain information about the offense and the offender.

Creation Process of a PSR ²

- PO estimates the offender's degree of risk to the community and need factors that impact criminal behavior.
- PO summarizes the information gathered and, in most jurisdictions, makes a sentence recommendation.

Disclosure of Presentence Reports

Reasons for Opposing.

- Might dissuade persons from giving information if the defendant will know about it.
- Court proceedings may be delayed if the defendant challenges the information.
- Sharing information with the defendant might be harmful to him or her.
- PSR is a private and confidential court document.

Reason for Advocating.

- Fundamental fairness and due process demand that convicted persons should have access to the information in the PSR on which their sentence is based so they can correct inaccuracies.

Role of Probation Agency

- Two prong approach
 - Maintaining surveillance: societal protection
 - Helping and treating the offender: counseling and rehabilitation
- Probation Officers have the discretion to chose which role they will utilize with their clients
 - In few circumstances, some POs may evolve or adapt their supervision strategy
 - Specific probation offices or supervisors may require POs to change their supervisory styles

Duties and responsibilities

- Supervision of offenders in the community
- Drawing up treatment plan for each offender
- Surveillance takes on many forms
 - Office and field contacts
 - Drug testing
 - Electronic monitoring
- Issues becomes a balancing the treatment and surveillance
 - Many agencies select one approach

Supervision

Consists of resource mediation, surveillance, and enforcement.

- Resource mediation: Providing offenders access to a wide variety of services.
- Surveillance: Monitoring the activities of probationers.
- Enforcement: Making probationers accountable for their behavior and making sure they understand the consequences.

Strategies to Build Rapport between the Probationer and Probation Officer (PO)

Sincerity.

High service energy.

Knowledge of the probationers' culture.

Nonjudgmental attitude.

Helping probationers with needed resources.

Exhibit 4.6: Adult and Juvenile Caseload Standards

ADULT STANDARDS	
Case Type	Cases-to-Staff Ratio
Intensive	20:1
Moderate to high risk	50:1
Low risk	200:1
Administrative	No limit? 1,000?

JUVENILE STANDARDS	
Case Type	Cases-to-Staff Ratio
Intensive	15:1
Moderate to high risk	30:1
Low risk	100:1
Administrative	Not recommended

Source: American Probation and Parole Association, *Caseload Standards for Probation and Parole* (Lexington, KY: APPA, September, 2006). Reprinted with permission of Mr. William D. Burrell.

Technology and Supervision

Technology helps probation officers to:

- Track fine and probation payments.
- Be notified when clients are behind on payments.
- Track if probationers have satisfied the conditions of their sentences.
- Conduct kiosk reporting, alcohol detection, voice verification, and facial recognition tests.
- Map technology or geographic information systems.

Revocation of Probation

Revocation: Formal termination of an offender's conditional freedom.

Revocation hearing: Due process hearing that determines whether:

- Conditions of probation have been violated before probation can be revoked.
- Offender can be removed from the community.

Revocation Triggers

Technical violation: Failure to comply with the conditions of probation.

Absconding: Fleeing without permission of the jurisdiction in which the offender is required to stay.

New offense violation: Arrest and prosecution for the commission of a new crime.

Conditions for Revocation Hearings

Written notice of the charge.

Disclosure of the evidence to the probationer.

Opportunity to be heard in person and to present evidence as well as witnesses.

Right to confront and cross-examine witnesses.

Right to judgment by a detached and neutral hearing body.

Written statement of the reasons for revoking probation.

Right to counsel under special circumstances.

Revocation Hearing

- Judges tend to concur with recommendations of PSI 85% of the time
- Judge more likely to impose probation when:
 - 1st time offender
 - Good education and work histories
 - Married with kids
 - Wants to fix substance abuse problems
 - Low risk
 - Committed nonviolent offense

Outcomes of Revocation Hearing

- Supervision level increased
- Offender warned and returned to probation supervision
- Impose additional conditions
- Revoke probation and send offender to prison
- Order legal competency exam for offender
- Determine if mental health treatment is needed
- Bench warrant issued for offender for offenders who have absconded
- Most frequent reasoning for hearing was absconsion or failure to contact PO

APPENDIX TABLE 9
Adults on parole, 2020

Jurisdiction	Parole population, January 1, 2020		Entries		Exits		Parole population, December 31, 2020		Change, January 1, 2020–December 31, 2020 ^b		Number on parole per 100,000 adult U.S. residents, December 31, 2020 ^b
	Reported	Estimated ^a	Reported	Estimated ^a	Reported	Estimated ^a	Number	Percent	Number	Percent	
U.S. total	850,964	392,400	370,501	392,400	369,528	388,400	862,113	11,149	1.3%	335	
Federal	108,343	45,105	45,105	46,820	46,820	46,820	107,922	-421	-0.4%	42	
State	742,621	347,300	325,396	347,300	322,708	341,600	754,191	11,570	1.6%	293	
Alabama	9,223	3,149	3,149	4,127	4,127	4,127	8,245	-978	-10.6	214	
Alaska ^c	1,163	400	..	400	..	600	1,003	-160	-13.8	182	
Arizona	7,043	9,081	9,081	9,081	9,237	9,237	6,887	-156	-2.2	118	
Arkansas	24,976	10,761	10,761	10,761	10,147	10,147	25,852	876	3.5	1,106	
California ^d	107,139	45,000	23,959	45,000	23,959	41,800	110,349	3,210	3.0	361	
Colorado	11,155	8,465	8,465	7,336	7,336	7,336	12,284	1,129	10.1	268	
Connecticut ^c	3,601	2,636	2,636	2,636	2,157	2,157	4,080	479	13.3	144	
Delaware	362	132	132	132	121	121	373	11	3.0	47	
District of Columbia	2,595	920	920	920	968	968	2,547	-48	-1.8	436	
Florida	4,349	5,845	5,845	5,845	5,914	5,914	4,280	-69	-1.6	24	
Georgia	19,241	9,705	9,705	9,705	9,583	9,583	19,447	206	1.1	236	
Hawaii	1,513	1,088	1,088	1,088	578	578	1,544	31	2.0	139	
Idaho	5,121	2,963	2,963	2,963	2,117	2,117	5,967	846	16.5	428	
Illinois	26,251	17,713	17,713	17,713	19,220	19,220	24,744	-1,507	-5.7	253	
Indiana	6,050	4,362	4,362	4,362	4,276	4,276	6,136	86	1.4	118	
Iowa	6,999	3,959	3,959	3,959	3,697	3,697	7,261	262	3.7	297	
Kansas	5,530	3,954	3,954	3,954	4,056	4,056	5,428	-102	-1.8	244	
Kentucky	14,977	9,097	9,097	9,097	9,645	9,645	14,429	-548	-3.7	414	
Louisiana	23,582	12,920	12,920	12,920	14,936	14,936	21,566	-2,016	-8.5	605	
Maine	19	0	0	0	1	1	18	-1	-5.3	2	
Maryland	9,669	3,664	3,664	3,664	3,843	3,843	9,490	-179	-1.9	201	
Massachusetts ^c	1,382	2,099	2,099	2,099	2,165	2,165	1,316	-66	-4.8	24	
Michigan	13,488	8,630	8,630	8,630	8,657	8,657	13,461	-27	-0.2	172	
Minnesota	7,243	5,085	5,085	5,085	4,969	4,969	7,359	116	1.6	169	
Mississippi	10,432	5,408	5,408	5,408	5,330	5,330	10,510	78	0.7	462	
Missouri	21,507	13,688	13,688	13,688	14,466	14,466	20,729	-778	-3.6	433	
Montana	1,512	855	855	855	684	684	1,683	171	11.3	197	
Nebraska	956	1,221	1,221	1,221	1,023	1,023	1,156	200	20.9	79	
Nevada	7,086	4,329	4,329	9,222	2,136	30.1	374	
New Hampshire	2,250	625	625	625	795	795	1,882	-368	-16.4	168	
New Jersey	15,194	5,488	5,488	5,488	5,166	5,166	15,516	322	2.1	223	
New Mexico	2,608	2,075	2,075	2,075	1,588	1,588	2,725	117	4.5	166	

APPENDIX TABLE 9 (continued)
Adults on parole, 2020

Jurisdiction	Parole population, January 1, 2020		Entries		Exits		Parole population, December 31, 2020	Change, January 1, 2020–December 31, 2020 ^b		Number on parole per 100,000 adult U.S. residents, December 31, 2020 ^b
	Reported	Estimated ^a	Reported	Estimated ^a	Reported	Estimated ^a		Number	Percent	
New York	44,917	15,157	16,095	16,095	16,095	16,095	43,979	-938	-2.1	287
North Carolina	13,820	13,216	13,617	13,617	13,617	13,617	13,419	-401	-2.9	161
North Dakota	767	960	1,003	960	1,003	1,003	724	-43	-5.6	124
Ohio	21,832	11,877	10,940	11,877	10,940	10,940	22,769	937	4.3	249
Oklahoma	1,959	761	483	761	483	483	2,237	278	14.2	74
Oregon	24,183	8,723	9,074	8,723	9,074	9,074	23,832	-351	-1.5	702
Pennsylvania ^c	84,592	28,372	24,701	28,372	24,701	24,701	88,263	3,671	4.3	868
Rhode Island	557	250	188	250	188	188	619	62	11.1	72
South Carolina	4,638	2,619	2,651	2,619	2,651	2,651	4,638	0	0.0	112
South Dakota	3,452	2,516	2,295	2,516	2,295	2,295	3,673	221	6.4	543
Tennessee	10,993	4,562	3,148	4,562	3,148	3,148	12,407	1,414	12.9	230
Texas	109,159	35,197	33,919	35,197	33,919	33,919	110,437	1,278	1.2	500
Utah	4,061	3,507	3,135	3,507	3,135	3,135	4,433	372	9.2	189
Vermont	875	400	..	400	..	400	909	34	3.9	178
Virginia	1,860	660	503	660	503	503	2,017	157	8.4	30
Washington	13,427	5,742	4,633	5,742	4,633	4,633	14,536	1,109	8.3	240
West Virginia	4,090	3,001	3,409	3,001	3,409	3,409	3,682	-408	-10	258
Wisconsin	22,292	7,988	7,106	7,988	7,106	7,106	23,174	882	4.0	505
Wyoming	931	741	718	741	718	718	954	23	2.5	212

Note: Data quality may vary across jurisdictions for counts of entries and exits. Therefore, the population on December 31, 2020 does not equal the population on January 1, 2020 plus entries, minus exits. Counts may not be actual as reporting agencies may provide estimates on some or all detailed data. Rates are based on the parole population counts as of December 31 of the reporting year and were calculated using U.S. Census Bureau estimates of the U.S. resident population of persons age 18 or older for January 1 of the following year.

..Not known.

^aReported data will equal estimated data in cases where no imputation was required.

^bRates were calculated using the estimated adult U.S. resident population in each jurisdiction on January 1, 2021.

^cSee Parole: Explanatory notes for 2020 for more details.

^dIncludes adults on Post-Release Community Supervision and Mandatory Supervision: 45,899 on January 1, 2020 and 55,216 on December 31, 2020, with 28,324 entries and 31,699 exits. Source: Bureau of Justice Statistics, Annual Parole Survey, 2020; and U.S. Census Bureau, National Intercensal Estimates, 2021.