

# Promoting Success on Community Supervision: Strategies for Improving Outcomes and Reducing Revocations

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July 2022

## About the Crime and Justice Institute

The Crime and Justice Institute (CJI), a division of Community Resources for Justice, bridges the gap between research and practice with data-driven solutions that drive bold, transformative improvements in adult and youth justice systems. With a reputation built over many decades for innovative thinking, a client-centered approach, and impartial analysis, CJI assists agency leaders and practitioners in developing and implementing effective policies that achieve better outcomes and build stronger, safer communities. CJI works with local, state, tribal, and national justice organizations, providing nonpartisan policy analysis, implementation consulting, capacity-building assistance, and research services to advance evidence-based practices and create systems-level change. For more information, please visit: [www.cjinitiative.org](http://www.cjinitiative.org).

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## Executive Summary

Nationally, 1.7 million individuals are incarcerated in jails or prisons across local, county, state, and federal corrections systems, while almost 4 million individuals are on some form of community supervision.<sup>i,ii</sup> Community supervision is often viewed as an alternative to incarceration, but many states are struggling with increasing or stagnant revocation rates, which often result in an admission or return to incarceration.<sup>iii,iv</sup> The goal of this project was to assess community supervision outcomes in four states and to uncover factors that most often lead to supervision failures. Other areas of focus were identifying barriers that impact agencies' abilities to effectively implement the practices and policies known to facilitate supervision success and generating recommendations to safely reduce revocations and improve supervision outcomes.

With support from Arnold Ventures, a non-partisan philanthropic organization, the Crime and Justice Institute (CJI) assessed supervision and revocation policies and practices in four states: Colorado, Florida, Mississippi, and Montana. Each was selected to represent different characteristics of community supervision populations, including the size, demographic composition, and regional environment, as well as to include different mechanisms for a person to be put on supervision, including states that have parole and probation, states with just probation, and states that have additional supervision types.

Over the course of 18 months, CJI worked collaboratively with these agencies to understand the factors impacting supervision outcomes, how current policies are aligning with best-practices, and what opportunities exist to produce better results. This included comprehensive data analysis, review of the administrative and legal frameworks governing community supervision, and conducting interviews with stakeholders across each state. Additionally, a survey was disseminated in three out of the five supervision agencies in the states to better understand practices on the ground.

Based on the results of these analyses, CJI identified common challenges and gaps across all four states, which include the following:

- While revocation rates vary across all supervision types, rates are highest for those on post-incarceration supervision (such as parole), and lowest for those on probation.
- Revocation rates are highest among those individuals identified as high risk to recidivate and most revocations happen within the first year of supervision.
  - A contributing factor to these outcomes is the underutilization of policies designed to streamline or reduce the length of time low-risk individuals spend on supervision.
- Black and Native American individuals are disproportionately revoked.
- Despite technical violations still frequently leading to revocation, absconding and new crime violations most often result in a revocation.
  - Technical violations persist as agencies continue to have challenges with implementing graduated response policies, as well as balancing officer discretion with standardization of policies.
- A common barrier to individuals' success on supervision is the fact that conditions are not tailored to individuals' specific risks and needs, and challenges exist that limit officers' ability to modify and align conditions with the factors most closely tied to public safety.
  - This barrier is further exacerbated by a lack of services in the community, particularly with respect to behavioral health needs, housing, transportation, and financial obligations.

- Although substantial efforts have been made to implement evidence-based supervision practices, organizational culture has created gaps in staff buy-in, and challenges remain for implementing practices with fidelity.

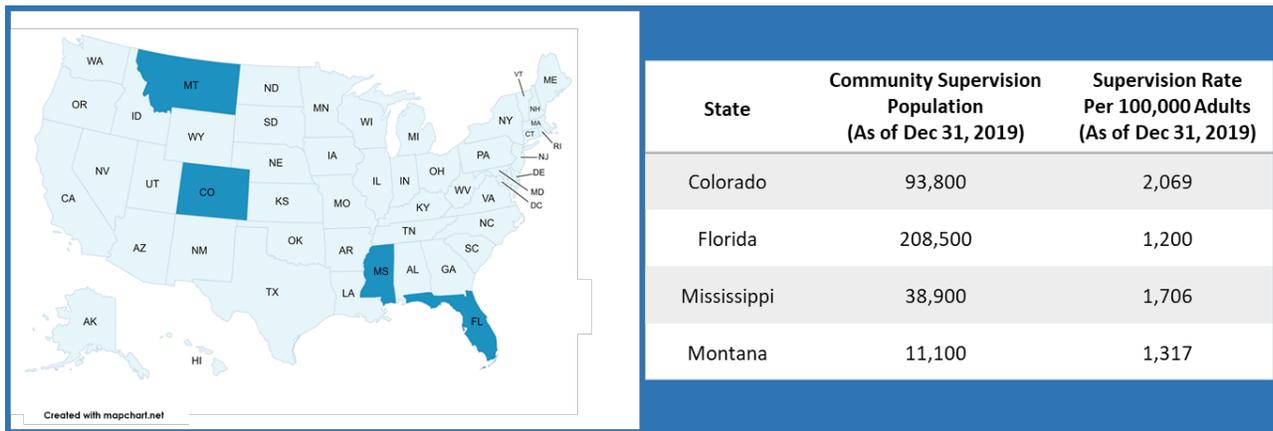
These findings informed a broad array of recommendations tailored to each state’s unique context that could guide policymakers, agency officials, and other local stakeholders in alleviating the barriers to successfully implementing evidence-based supervision practices. Recommendations include:

- Removing barriers impacting community supervision by individualizing conditions and narrowing them to only those that support public safety and expanding the use of tools that address barriers to reporting and treatment.
- Ensuring policies intended to improve outcomes are implemented with fidelity by maintaining and updating matrices, using clear definitions and guidelines for responding to violations, establishing quality assurance processes for evidence-based practices, and providing staff with ongoing coaching and training to ensure proper use of skills.
- Focusing resources on the initial period of supervision when individuals are most likely to fail and on those individuals assessed as high risk; to better allocate limited resources, shorten lengthy probation terms, strengthen early termination policies, and create alternative supervision types for low-risk individuals.
- Ensuring supervision agencies have the tools and resources necessary to effectuate lasting behavior change by assessing gaps in resources, requiring more consistent trainings, and strengthening the quality of treatment provided to the justice-involved population.
- Developing the infrastructure to support sustainable policies and practices intended to improve outcomes by strengthening organizational culture around the use of evidence-based supervision practices, improving the collection and reporting of data to inform data-driven decision-making, increasing education and communication related to the use of evidence-based practices, and continued analysis and reflection to fully understand the factors driving outcomes.

## Introduction

Nationally, nearly 4 million individuals are on some form of community supervision.<sup>v</sup> Of the 1.8 million individuals who exit probation or parole, almost half do not successfully complete supervision, with 211,000 people returning to prison or jail, making community supervision failures a leading driver of incarceration in the United States.<sup>vi</sup>

In 2019, the Crime and Justice Institute (CJI), with support from Arnold Ventures, began a comprehensive assessment of sentencing and community supervision practices in four states: Colorado, Florida, Mississippi, and Montana. The goal of this effort was to equip state leaders with the information necessary to inform the adoption or expansion of evidenced-based supervision practices demonstrated to positively impact success.



The participating states differ in the size of their community supervision populations and the types of statutes and standards that govern sentencing and supervision practices. Their inclusion in this project offers stakeholders across the country a varied and valuable array of contexts, challenges, and potential solutions. Collectively, the four states comprise five distinct agencies. Florida, Mississippi, and Montana have unified justice systems that are responsible for supervising individuals on probation, parole, conditional release, and/or post-release supervision. Colorado, on the other hand, has a bifurcated system, with individuals on probation supervised under the Judicial branch and individuals on parole supervised within the Executive branch via the Department of Corrections. As such, CJI generated two sets of analyses for Colorado – one focused on probation and the other on parole. In all cases, the states were selected based on a set of criteria including data availability, access to agency personnel, and a willingness to pursue change.

Over the course of 18 months, CJI worked collaboratively with these agencies to determine the factors impacting community supervision outcomes. To guide its analyses, CJI examined six assessment areas that capture both the breadth and depth of supervision populations and practices. The first assessment area speaks to revocation trends — who is revoked from community supervision and for what reasons. Second, condition-setting and modification processes were examined. Third, CJI explored responses to behavior and studied the tools available to supervision officers and the procedures undertaken to initiate a revocation. Fourth, an assessment of evidence-based supervision practices considered agencies’ use of research-informed practices, including the implementation of risk-and-needs assessments, case management protocols, and adherence to fidelity. Fifth, CJI examined the availability and accessibility of community-based programming and resources to respond to the needs of the

supervised population across jurisdictions. Finally, CJI examined organizational culture to identify opportunities for continued commitment to embracing evidence-based supervision practices.

CJI employed several methods to address these assessment areas. While each state's specific methodologies differed depending upon the availability of data, every state received similar types of analysis. In total, CJI's analyses across the four states (five state agencies) encompassed the following:

- 1) A decade of quantitative data
- 2) Interviews with 54 stakeholders
- 3) Focus groups with representation from 517 agency staff
- 4) Agency surveys totaling 804 responses
- 5) A file review of 874 supervision cases

For a more detailed description of the methods, see the Appendix.

The COVID-19 pandemic began after commencement of this project, necessitating a shift in the project approach, including switching from on-site visits to virtual platforms and refining qualitative interviews to accurately capture practice changes before and after the onset of the pandemic. Despite the challenges that emerged, every agency committed to finishing the assessment, and lessons learned throughout COVID were included in CJI's final set of recommendations.

The remainder of this report presents an overview of the community supervision system and revocation process, summarizes the key findings, and outlines opportunities to improve community supervision outcomes.

### Community Supervision Context and the Revocation Process

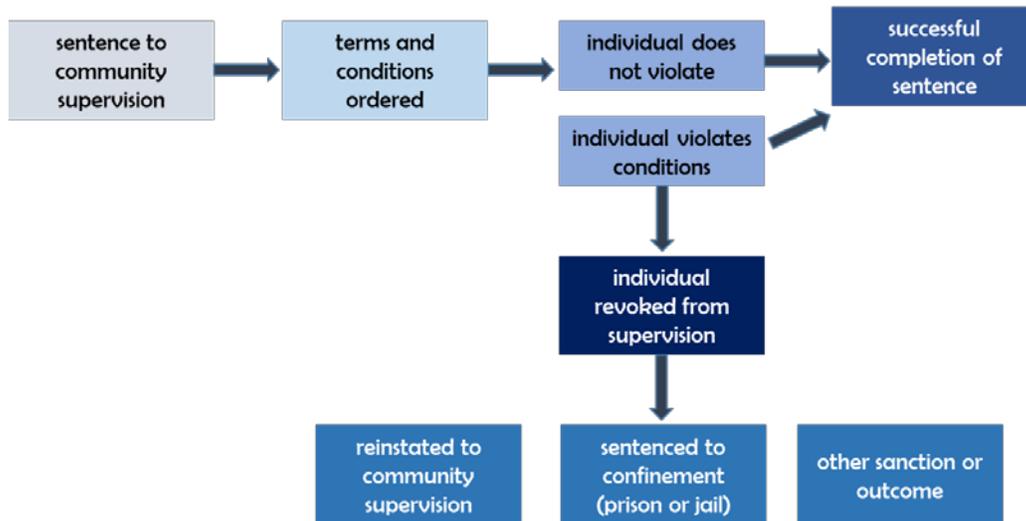
Broadly, individuals are placed on community supervision either as an alternative to incarceration or as a transition following a period of incarceration. While terminology and supervision types vary by state, typically probation describes an incarceration alternative, while post-release supervision, most often in the form of parole or conditional release, captures post-incarceration supervision.<sup>vii</sup>

In the cases of both probation and post-release supervision, individuals are ordered to comply with a set of standard conditions imposed by the sentencing judge or the parole board. In addition, depending on the type of supervision, the sentencing judge, parole board, or other supervising agency can order an individual to comply with additional special conditions. Generally, standard conditions are imposed universally for all individuals, while specialized conditions may accompany specific sentences to require additional types of compliance.<sup>viii</sup> For instance, individuals convicted of a DUI or a drug offense may be ordered to complete substance use treatment.

When an individual does not comply with these conditions, they are in violation of the terms of their sentence. Violations committed while on community supervision do not always translate to automatic revocation. Most states separate violations into categories to guide their responses and determine the point at which a revocation procedure should be initiated. Violations may include a new offense – most often a felony or misdemeanor arrest, charge, or conviction during the period of an individual's community supervision sentence – or a technical violation – a violation that would not constitute criminal activity outside of the supervision setting. While the definition of 'technical violation' varies across states, missed or positive drug tests, non-participation in or dismissal from court-ordered treatment, and failure or inability to pay fines and fees are common examples of this type of violation.

Depending on the state, absconding (i.e., a supervisee with unknown whereabouts) may be considered another form of a technical violation or may be lumped into a category with new offense that results in a more direct path to revocation.

Ultimately, the decision to revoke or continue a sentence is a distinct process. A simplified representation is depicted below.



The ultimate outcome of a case, be it a successful completion or a revocation, is informed by a complex array of decision-making perspectives, resources, and population characteristics. The following section presents a summary of thematic findings uncovered across the four states.

### Thematic Findings

Given the diverse contexts in which each state community supervision system operates, CJI prepared individualized findings and recommendations based on the results of five agency analyses. Several key findings and recommendations were specific to these agencies, reflecting the importance of context on the revocation process, a theme that was evident not only across states, but also reflected in regional variations within them. Still, many agencies faced comparable challenges that speak to larger consistencies across the community supervision landscape. This section summarizes these thematic findings that may inform improved supervision practices regardless of locality.

### REVOCAION TRENDS

According to the Bureau of Justice Statistics (BJS), in 2019, more than a quarter of all probation sentences with a known outcome ended in a revocation, with 16 percent of those who exited for a known reason resulting in incarceration.<sup>x</sup> Parole terminations indicated a similar trend, with 37 percent of individuals not completing their sentence. Of those unsuccessful completions, 30 percent were re-incarcerated.<sup>x</sup>

Knowing who is revoked, and for what reasons, paints a broad picture of the community supervision system from which more specific drivers can be distilled. This section presents the findings of CJI’s quantitative analyses that illuminate patterns in revocations and the violation behaviors that exist throughout the duration of supervision in the four analyzed states.

**Average revocation rates ranged from 25 percent to 47 percent, but substantial variation exists across supervision types, with revocation rates highest for those on post-incarceration supervision**

Overall, the states examined as part of this project had revocation rates higher than the national average. It should be noted, however, that the presented revocation rates are based on CJI’s analyses of agency-provided data and may not match BJS reports. Table 1 below summarizes the population size and revocation rate in each agency as of 2019.

*Table 1. Community Supervision Population Sizes and Revocation Rates, 2019*

2019 Data	Colorado Parole	Colorado Probation	Florida	Mississippi	Montana
Population size*	10,717	81,430	206,311	37,767	11,067
Revocation rate**	45%	35%	47%	N/A***	43%

\*Population size as of December 31, 2019 (source: BJS)

\*\* Revocation rates based on CJI’s analysis of agency data, percentages may not match BJS reports due to differences in methodologies

\*\*\*Mississippi’s definition of revocations (a return to incarceration or absconding) was not comparable with other agencies

Statewide revocation rates vary, thus community supervision systems are not monolithic. Individuals may be supervised under a variety of different programs or contact standards according to administrative and legal parameters. Florida, for instance, supervises individuals on conditional release (the post-incarceration form of supervision that replaced parole in 1983) and probation, which encompasses several types of supervision, including felony probation (its largest type), drug offender probation (with sentences to this type determined by a conviction for a drug offense, among other factors), and community control (an intensive form of supervision for high-risk individuals).<sup>xi</sup>

In its analyses of revocation rates for 2019, CJI identified considerable variation across supervision types. In Florida, revocation rates ranged from a low of 8 percent for administrative probation to a high of 85 percent for individuals under community control. Similarly, Montana’s revocation rates ranged from 31 percent for probation to 70 percent among the conditional release population, which is a community supervision placement similar to, but distinct from, parole that is authorized under Montana’s sentencing guidelines for eligible individuals.<sup>xii</sup> Mississippi likewise had variation, with an average revocation rate of 8 percent for individuals placed on non-adjudicated probation to 33 percent among the parole population.

By identifying which supervision types have lesser success rates and those types that facilitate lower rates of revocation, agencies can zero in on the practices that are leading to better outcomes.

**Revocation rates are highest for those identified as high-risk, with some exceptions**

In three out of five agencies where risk-based data were available, revocation rates were highest for those assessed as high risk, with a few exceptions. In Colorado, more than half of individuals on parole assessed as maximum risk were revoked in 2019, compared to 18 percent of those assessed as minimum risk. For those on probation in Colorado, 53 percent of individuals assessed as high risk were revoked in 2019, relative to a 9 percent revocation rate for low-risk supervisees.

Montana, on the other hand, experienced slightly different termination trends by risk level. For men supervised on parole in 2019 (too few women were terminated from parole for accurate comparisons), revocation rates were highest for those assessed as moderate risk — they had a revocation rate of 70 percent compared to 62 percent for men assessed as high risk and 45 percent for low-risk men. Within Montana probation, men assessed as very high risk had a 94 percent revocation rate compared to 18 percent of low-risk supervisees. Women on probation in Montana had similar trends, with revocation rates of 52 percent for those assessed as high-risk supervisees and 9 percent for those assessed as low risk. Finally, Montana’s conditional release population had higher overall revocation rates than either parole or probation, regardless of risk level.

***Most revocations occur after individuals have served less than a year on supervision***

CJI also examined the length of time on supervision by outcomes and found that across most states, most individuals who ended up being revoked spent less than one year on supervision. In Montana, the largest number of individuals were revoked from probation at 11 months. In Colorado, for those who were revoked from parole in 2019, the median time served was 9 months, compared to 17 months for those who successfully completed. Florida experienced similar trends, with individuals on felony probation most often revoked within 12 months, as opposed to 20 months for successful terminations. Lastly, in Mississippi, individuals who successfully completed probation spent 35 months on supervision, compared to 19 months for those who were unsuccessful.

There were also notable differences in length of time on supervision by outcome and risk level. In Montana (which employs separate risk assessments for men and women), men assessed as low risk were revoked after spending more time on supervision than men assessed as high risk for every type of supervision. Compared to men assessed as high risk, men assessed as low risk were revoked from parole a month later, on average (11 months compared to 10 months in 2019); men assessed as low risk were revoked from conditional release two months later than men assessed as high risk (11 months compared to 9 months); and men assessed as low risk were revoked from probation nearly nine months later than men assessed as high risk (14 months compared to 22 months). Risk level and length of time on supervision prior to revocation were inconsistently related for women.

In Colorado, individuals revoked from parole who were assessed as minimum risk were revoked nearly a year later than those assessed as maximum risk (median time served of 17 months and 8 months, respectively). This finding was also present for those on probation in Colorado. Individuals assessed as high risk in 2019 spent nearly nine months on supervision prior to revocation, compared to 12 months for those assessed as moderate-risk and 15 months for low-risk supervisees who faced revocation.

***Black and Native American individuals are disproportionately revoked***

When examining revocation rates by demographic characteristics, discrepancies were especially prevalent across racial categories. Black and Native American individuals were found to be overrepresented in the community supervision system relative to their proportion of a state’s total population, and once on community supervision, they were often disproportionately revoked. Table 2 below captures the composition of Black and Native American individuals on community supervision in 2019 relative to each state’s total population and the revocation rates for these individuals compared to the statewide average, with “PP” denoting the percentage point difference.

In some states, Black and Native American individuals were two- to three-times more likely to be justice-involved than their share of the state’s total population. In no system where data were available did

Black or Native American supervisees successfully complete supervision at a rate higher than the statewide average. In most cases, Black and Native American individuals were revoked 5 to 10 percentage points higher than the statewide revocation rate. As agencies continue to address racial and ethnic disparities in their supervision populations, these findings may illustrate opportunities to effectively engage with diverse populations to improve supervision outcomes.

*Table 2. Proportion of State Population, Supervision Population, and Revocation Rate by Race, 2019*

2019 Data	Colorado Parole	Colorado Probation	Florida	Mississippi	Montana
% of State Pop that is Black*	4%	4%	16%	38%	<1%
% of Supervision Pop that is Black	14%	8%	32%	55%	3%
Revocation Rate for Black Individuals	50% 5 PPs higher than state avg	49% 14 PPs higher than state avg	48% 1 PP higher than state avg	25% 1 PP higher than state avg	48% 5 PPs higher than state avg
% of State Pop that is Native American*	1%	1%	<1%	<1%	6%
% of Supervision Pop that is Native American	3%	<1%	Not Reported	Not Reported	16%
Revocation Rate for Native Americans	58% 13 PPs higher than state avg	50% 15 PPs higher than state avg	N/A	N/A	50% 7 PPs higher than state avg

\*Source: Census Bureau, 2019

***Technical violations were prevalent, but absconding and new crime violations more often resulted in a revocation***

A common question in determining the drivers of community supervision revocations is whether unsuccessful terminations are attributable to new criminal activity or the result of technical violations. While the specific definition of a technical violation varies across states, it generally refers to a violation of a supervision condition that in and of itself would not constitute new criminal activity outside of the supervision setting. These include missed appointments with a probation or parole officer, positive drug tests, failure to pay fines and fees, and refusal to complete substance use or behavioral treatment. However, as critical as this question is, data have historically been difficult to ascertain, in part due to data management systems that have been unable to track this level of detail, and in part due to case complexity where individuals may be revoked for both technical reasons and the commission of new offenses.

CJI examined quantitative data from each state and supplemented that information with a comprehensive file review of supervision cases across three agencies. When taken together, these data

indicated that technical violations were often accompanied by absconding or new crimes as the reason for revocation.

Quantitative data from 2019 indicated that revocations due to technical violations occurred frequently. For individuals supervised on parole in Colorado, 54 percent successfully completed their sentence, compared to 28 percent who were revoked for a technical violation and 16 percent for a new offense. In Colorado probation, 65 percent of individuals successfully terminated, with 15 percent of unsuccessful terminations attributed to technical violations, 8 percent to new crimes, and 10 percent due to absconding. Florida’s success rate was 53 percent, with revocations due to technical violations comprising 25 percent of terminations, and the remaining 22 percent due to new crimes. Due to limitations in the quantitative data, breakouts of termination reasons beyond successful and revoked were not able to be determined in Mississippi or Montana.

Upon a deeper review of case files, however, it became clear that the reasons for revocation are more complex than quantitative data alone would suggest. In most systems analyzed, revocations were rarely driven by the occurrence of a singular violation, but rather were the result of repeated violation behaviors.

In Florida, individuals had, on average, three technical violations and one new offense violation reported during their period of supervision. Similarly, in Colorado, those who had their parole revoked often had two or three violation categories cited on their complaint for revocation. A review of 2019 case files from Colorado Parole found that absconding-related violations and new felonies were the most frequently occurring violation categories cited on complaints for those who were revoked, with the most common new offense being possession of a controlled substance.

In Mississippi, absconding constituted the largest share of violations leading to a supervision revocation, with more than 1,000 absconding-based revocations reported, followed by 800 revocations due to felony arrests. Finally, in Montana, compliance violations (technical violations) were twice as common as noncompliance violations (a more severe type of violation that most frequently included new offenses and absconding), but less than a quarter of individuals were revoked for compliance violations alone.

***Drug testing violations occur most frequently, but reporting-based violations are also common***

As part of its analyses, CJI examined trends in violations among the community supervision population, regardless of whether those violations ultimately led to a revocation. This level of detail is important to understand, as it speaks to behaviors that persist throughout supervision. As depicted in Table 3, states reported similar types of common violations. Most agencies reported positive drug tests, missed drug tests, treatment noncompliance, and missed reporting requirements among their top five violations in 2019.

For most states, substance-use related violations included continued use of drugs and alcohol (positive drug tests) or missed drug tests. In Florida, substance-use related violations (defined as no intoxication in excess – illicit drugs) accounted for 13 percent of all violations, making them more common than any other type. In Colorado, for those on parole, substance use-related violations (which included missed or positive drug tests, as well as treatment failures), encompassed 56 percent of all violations for those who were revoked in 2019.

Meanwhile, about half of individuals on probation in Colorado in 2019 had at least one missed drug test and about a third had at least one positive drug test, regardless of termination type. For those who were

revoked, 47 percent had at least one missed drug test and 38 percent had at least one positive drug test or admission. In Montana, substance use-related violations were also the most common technical violation across all types of supervision; half of individuals revoked from parole, 61 percent of individuals revoked from probation, and two-thirds of individuals revoked from conditional release had at least one substance use-related violation. CJI’s review of case files for Colorado and Montana also revealed that methamphetamine and amphetamines were the most prevalent substances on positive drug screens.

*Table 3. Top Five Most Frequently Occurring Violations for Each Agency*

2019 Data*	Colorado Parole	Colorado Probation	Florida	Mississippi	Montana
<b>Top Five Most Common Violations, Ranked by Highest Frequency</b>	Missed drug test	Missed appointment	Substance use	Absconding	Substance use
	Positive drug test	New offense	New offense (other**)	Felony arrest	New offense
	Missed treatment sessions	Missed drug test	New offense (drug)	Conditions	Absconding/ residence and reporting
	Failure to report	Treatment noncompliance	Changing residence/ employment	Failure to pay	Treatment noncompliance
	Changing residence	Positive drug test	Reporting requirements	Failure to report	Employment violations

\* Findings for Colorado Parole, Colorado Probation, and Montana were based on a representative sample of cases analyzed as part of a file review; violations were captured at the individual level of analysis for Colorado Probation and Montana, and the violation level of analysis for Colorado Parole, Florida, and Mississippi

\*\*Due to limitations in the data, specific examples of offenses constituting “other” were unable to be identified

Outside of substance use, reporting violations were frequently cited. In Colorado, two-thirds of individuals revoked from probation in 2019 had at least one missed appointment (as compared to only 23 percent of those who successfully completed probation). Missed appointments were most often cited for those revoked for technical violations (67 percent), followed by those revoked for a new felony (57 percent), and those revoked for a new misdemeanor (44 percent.) Despite being a more frequent violation for those on probation, reporting violations were among the top five technical violations for individuals on parole in Colorado. Failure to report was also cited among the top five violations for those on supervision in Florida and on probation in Montana.

Having established a baseline understanding of the supervision population, revocation trends, and the most frequent types of violation behaviors, the report now turns to additional factors that impact community supervision outcomes, beginning with the process of setting and modifying conditions.

## CONDITION SETTING AND MODIFICATION PROCESSES

CJI’s assessment included an examination of the condition-setting process in each state, given that conditions of community supervision set the parameters for behavior on supervision. Research has found that when conditions of supervision are targeted to address individuals’ specific needs and risks, they are more effective at reducing recidivism and producing successful outcomes.<sup>xiii</sup> Studies have further shown that beyond being individualized, too many conditions, especially ones not linked to public safety, can cause people on supervision to struggle to achieve compliance.<sup>xiv</sup>

Therefore, it is critical that conditions are:<sup>xv</sup>

- 1) Realistic, relevant, and research-supported
- 2) Tailored to individual criminogenic factors as determined by an independently validated, updated risk-and-needs assessment<sup>xvi</sup>
- 3) Directly tied to public safety
- 4) Modifiable during the duration of supervision

### ***Conditions are rarely tailored to individual risk and needs***

In all four states, state law provides the sentencing judge or parole board the authority to impose a series of conditions at an individual’s sentencing or parole hearing. These standard conditions are the same for every individual on supervision irrespective of that person’s specific treatment needs or recidivism risk factors. State statute requires nine standard conditions for parole and five for probation in Colorado,<sup>xvii,xviii</sup> 16 for probation in Florida,<sup>xix</sup> and 11 for probation in Mississippi.<sup>xx</sup> Montana does not explicitly list out the conditions in state statute but includes them in its Administrative Rules of Montana (ARM). The rules identify 12 standard conditions for supervision.<sup>xxi</sup> The standard conditions from each state include items such as abiding by the law, obtaining a job or education, refraining from owning a weapon, and regular reporting, among others.

In addition to these standard conditions, each state authorizes the judge or parole board to impose additional special conditions. The number of special conditions ranges from as few as five to as many as 20, with the most common type of special condition pertaining to drug use and treatment/testing requirements in most of the states. CJI analyzed special conditions from three agencies for which data were available. This revealed that these conditions are often not individualized or reflective of what individuals need to be successful on supervision.

For example, an analysis of the most frequently imposed special conditions for individuals on probation in Colorado showed that their application was based on the individual’s underlying offense, as often required by statute, rather than their risk level or criminogenic needs.<sup>xxii</sup> This included the requirement of community service, substance use treatment, alcohol treatment, and complying with a protective order. Analysis of the use of conditions in Montana similarly revealed a lack of individualization among special conditions; individuals on conditional release received a higher number of special conditions than an individual on parole or probation (a median number of 13 conditions compared to 12 for parole and 11 for probation). This disconnect with an individual’s specific needs was also evident in Colorado Parole, where over half of individuals assessed as low- or medium-risk were authorized to receive an intensive supervision program as a special condition, which is best suited for higher-risk individuals and can lead to an increase in recidivism for low-risk individuals.<sup>xxiii</sup>

***Officers’ ability to modify conditions and reduce barriers to success is often limited***

Critical to the effectiveness of conditions is officers’ ability to modify or align conditions accurately with the needs of their supervisees. Across all four states, officers expressed either limited ability to do this or an underutilization of this authority. For example, in Montana and Mississippi, officers cannot independently make changes to supervision conditions, but need to request permission from the judge or parole board. In Colorado, probation officers’ authority to modify conditions is jurisdiction-dependent and varies based on the judge and judicial district in which the case exists. In contrast, supervision officers in Florida do have the authority to modify conditions, but in practice officers report that they most often make modifications in response to a violation and not as needed throughout supervision. This is also true for parole officers in Colorado, who do have authority to request a modification from the parole board but often do so only in response to a violation.

**RESPONSES TO BEHAVIOR**

In addition to analyzing each state’s condition setting and modification process, CJI examined states’ policies and practices surrounding the use of responses to behavior and overall procedures for initiating a revocation. Research has found that when behavior responses are not applied in a timely, clear, and proportional manner, supervised individuals can struggle to achieve compliance because they may be left unsure of expectations or consequences.<sup>xxiv</sup> To achieve swift, certain, and proportional responses, officers need autonomy to address behaviors — both prosocial and antisocial — in objective, impartial ways that reinforce positive behavior change.<sup>xxv</sup>

Studies have shown that the inclusion of incentive policies has proven to be effective at motivating positive behavior changes; the most impactful of which reduces time off a person’s sentence.<sup>xxvi</sup> Resources such as graduated response matrices assist officers in delivering timely, neutral, and proportional responses that function to both reinforce positive behavior and respond to misconduct that ultimately assists supervised individuals in successfully completing their sentences.<sup>xxvii</sup>

***Challenges exist with implementation of graduated response policies***

All five supervision agencies have a graduated response policy in place to guide decisions around responding to supervision violations, but consistent implementation of these policies has been a challenge. While implementation challenges vary from state to state, a common theme was the varying use of behavior response matrices. For example, while Montana has a clear matrix for supervision officers to use to guide their responses to violations, the Montana Incentives and Interventions Grid (MIIG),<sup>xxviii</sup> officers expressed frustration with the limited guidance on exhausting responses prior to seeking revocation. This not only results in regional variation of how the MIIG is used, but also creates a great deal of frustration among supervision officers with the lack of clarity about how to execute the policy.

This varied use of graduated responses is also present in Florida where state statute authorizes each judicial circuit to independently establish an Alternative Sanctions Program (ASP) that outlines responses to technical violations.<sup>xxix</sup> A review of the ASP in Florida’s 20 judicial circuits indicated notable differences across jurisdictions, including different lists of violations that are eligible for a non-carceral response. Colorado Probation similarly experiences regional variation in implementation of its graduated response matrix, Strategies for Behavior Change (SBC),<sup>xxx</sup> as several jurisdictions have opted out of using the case management system that SBC was built into. Supervision offices noted that this is

especially challenging for individuals whose probation is transferred from one jurisdiction to another as officers may use different sanctions in response to the same violations.

An additional implementation challenge found in relation to graduated responses was that supervision officers are not tracking when behavior responses are being used, which impacts agencies' ability to assess the use of this policy. This was particularly evident in Colorado Probation, where an easy mechanism for data collection using its case management system has been established. A case file review found that in 19 out of 22 judicial districts using this data system, only 41 percent of supervised individuals had an incentive or sanction recorded in the data system. This causes difficulty in monitoring the fidelity of the policy and ability to make improvements.

In addition to regional variation and inconsistent tracking, agencies' struggle to maintain and update their graduated response policies was also leading to implementation challenges. For example, Colorado Parole implemented the Colorado Violation Decision Making Process (CVDMP) in 2011, but staff expressed that it has not been updated since its initial rollout. This has led to frustration from staff, who noted a lack of appropriate sanctions to respond to the behavior exhibited by individuals on their caseload. Supervision officers provided the example that drug testing violations lack a graduated response (for example, the first missed drug test has the same available consequence as the 50th). Officers reported viewing this as a lack of accountability for individuals on supervision and found it particularly frustrating considering that monitoring compliance of this condition requires a great deal of their time.

Lastly, implementation specific to the use of incentives proved to be an obstacle for all four states. While best practices require incentives to be delivered objectively, focused on the behavior, and used to reinforce continued behavior, consistent and clear application of the existing incentive mechanisms continue to be a challenge. For example, in Colorado Parole, there are formal incentives available, such as the awarding of earned time credits for demonstrated compliance and completion of certain programs. However, when parole officers and supervisors in Colorado were asked about the incentives available to motivate behavior change for individuals on parole, earned time was very rarely discussed and it does not appear to be seen as a mechanism for promoting behavior change by staff. In addition, CJI's review of case files for those on parole in Colorado revealed that loss of earned time is one of the most used responses to violations, resulting in earned time being used more as a sanction rather than as an incentive. Colorado Probation, on the other hand, does have compliance incentives tied to its current graduated response system. Possible incentives include fewer office visits, fewer required urinalysis tests, bus passes and vouchers, verbal praise, food or gas gift cards, and progress certificates. However, while incentives are available, interviews with both officers and supervisors indicate that incentives do not appear to be used consistently throughout the state. In both Mississippi and Montana, officers reported effectively using the incentives available in their graduated responses grid. However, in Montana, the more formal incentive policies of conditional discharge and early termination for parolees had strict eligibility criteria and a confusing process.

### ***Varying degrees of discretion for officers to respond to violations***

The varying degree of discretion officers have in responding to violations is a critical component of the inconsistent implementation of the graduated response policies in all four states. In some states, officers are afforded little discretion in making decisions about how to respond to violations and they expressed a need for more discretion. For example, in Montana, violation responses are governed by the MIIG; however, when asked whether the MIIG was an effective tool, only 58 percent of officers replied that they follow the formal response system when becoming aware of a technical violation and indicated a

need for more discretion. In other states, the inconsistency in responses is not driven by officers departing from formal guidance, but instead by regional differences in the response guidance itself.

The ASP in Florida, for example, is established independently by each chief judge, meaning responses inherently differ by each judicial district. Officers in Florida overwhelmingly reported a need for more discretion to swiftly respond to violations but that they feel constrained by the existing non-uniform system. In Florida, unlike most states, probation officers do not have the authority to respond to behavior independently without approval of the sentencing judge as part of the approved ASP.

## EVIDENCE-BASED SUPERVISION PRACTICES

CJI’s assessment also included an examination of the states’ use of evidence-based supervision practices, including overall adherence to the Principles of Effective Intervention (PEI). Research has consistently found that to have the greatest impact on reducing recidivism, supervision practices should adhere to PEI, which includes the risk, need, responsivity, and fidelity principles. In practice, this means:

1. Using a validated risk and needs assessment to identify an individual’s risk to recidivate and directing resources (both supervision and treatment) to those identified as high risk, while ensuring low-risk individuals are not over supervised (Risk principle);<sup>xxxix</sup>
2. Ensuring case management practices are driven by the result of a risk and needs assessment and are individualized to target criminogenic (crime-producing) behavior that can be changed, such as substance use or interaction with people who contribute to individuals’ antisocial behavior (Need principle);<sup>xxxix</sup>
3. Training staff in Core Correctional Practices (CCP) skills and removing barriers that impact success on supervision (for example, ensuring individuals have necessary transportation to attend a treatment program) (Responsivity principle);<sup>xxxix</sup> and
4. Ensuring staff have received the proper training and coaching to effectively implement evidence-based policies and practices intended to reduce recidivism (Fidelity principle).<sup>xxxix</sup>

***Agencies have taken steps to implement the use of a risk-and-needs assessment and risk-driven case management, but additional training and adoption of quality assurance measures are needed to ensure adherence to fidelity***

All five agencies have taken steps to adopt the use of evidence-based supervision practices but are at very different places in terms of implementation of these practices. Reviews of agency policy, as well as interviews with supervision officers, revealed gaps in how these practices are applied and suggested areas for improvement. These areas include more training on delivering the assessments, with focuses on tool validation (i.e., does the assessment accurately capture the risks and needs of its supervised population?), consistent scoring of risk and needs assessment tools by supervision officers, and the development of individualized case plans tailored to criminogenic drivers identified in the assessment.

In Montana, no formal quality assurance mechanisms exist to check the veracity of the currently used risk-and-needs assessment tools. Most significantly, however, Montana is not using the results of these assessments to inform case plans for individuals on supervision. Mississippi and Colorado Parole are both similarly not using the results of their risk-and-needs assessment to create individualized case plans for individuals on supervision despite this being required by statute in Mississippi and policy in Colorado. In contrast, Florida law does not require the use of either a needs assessment or case planning. While Florida policy does ask supervision officers to complete an Individualized Supervision Plan (ISP), it is not based on any assessment, rather it is intended to be a collaboration of needs based on conversations

between the officer and the individual on supervision. It is important to note that Florida has begun a pilot program to institute a needs assessment in five judicial districts with its Correctional Institution Needs Assessment (CINAS) tool.<sup>xxxv</sup>

Colorado Probation effectively models the use of risk-and-needs assessments, incorporating those results into case plans, and using the results to tailor supervision. Colorado has taken this individualization further by using an enhanced formula to create specialized typologies. Typologies group individuals according to similar risk and need profiles together to better tailor supervision strategies in alignment with the risk-needs-responsivity framework. Probation’s use of typologies allows officers to direct resources more efficiently, individualize reporting requirements, and prioritize outcomes to establish a goal-based model of supervision. Despite these successes, Colorado has no formal process in place to monitor or provide coaching around the fidelity of these practices. Officers in Colorado are not the exception, as staff in all four states expressed a need for additional training and support in developing a quality assurance process.

***Use of early or streamlined discharge for lower-risk individuals is not being utilized to the extent that it could be***

While all four states have early discharge mechanisms allowing low-risk individuals to spend less time on supervision, each is limited in use and access. For example, through its conditional discharge process, Montana allows individuals to petition the court to be put on administrative probation if certain circumstances are satisfied. However, the application process has confusing eligibility terms and a prohibitive requirement that all fines, fees, and restitution are satisfied. In Florida, individuals on probation cannot petition the court directly, but supervision officers can seek early termination from judges for those on supervision who satisfy certain conditions. Stakeholders, however, report that there is wide regional variation among both officers’ and judges’ willingness to use this resource. It should be noted, though, that Florida has begun exploring the use of a phone-based reporting system for individuals on low-level supervision. This system was piloted in four judicial districts in 2019 with a goal of serving 10,000 individuals by 2021.

In Mississippi, supervision length can be reduced by half through earned discharge credits if individuals are compliant with all the conditions of supervision. While this process occurs automatically and does not have the additional hurdle of petitioning the judge, it is similarly limited in its requirement that individuals are up to date with all financial obligations, including supervision fees. While Florida does not have earned compliance credits, as a result of recently passed legislation, Florida has begun implementing a credit system where individuals on probation can reduce their supervision lengths by attaining educational and employment achievements if they remain compliant with their conditions.<sup>xxxvi</sup> In Colorado, early termination is one of the incentives available to individuals on probation. However, eligibility is not outlined in statute and is only included in state standards for individuals on probation for a sex offense, making its use inconsistent across the state. Colorado Parole also has earned time credits to reduce the amount of time a person spends on supervision. However, when officer focus groups discussed the use of incentives and available tools, they did not raise earned time credits. This could be just an oversight, or indicative that earned time credits are not being used effectively to encourage compliance and reduce sentence length.

Lastly, Colorado Parole also has an early discharge process for individuals who have completed a specified percentage of their sentence (determined by term length) and all treatment requirements, and are compliant with the terms and conditions of supervision.<sup>xxxvii</sup> Colorado Parole has made significant strides to increase its use of early discharge over the past several years, such that by 2021, early

discharge represented nearly a third of successful terminations. However, the data also indicated that Black and Native Americans received early discharge at lower rates than white supervisees, suggesting that there are opportunities to broaden the application of this mechanism to ensure it is used consistently.

## PROGRAMMING AND RESOURCES TO SUPPORT SUPERVISION SUCCESS

Despite all the evidence-based supervision practices that agencies can utilize, an individual’s success on supervision relies heavily on whether their underlying criminogenic risk factors that brought them into contact with the justice system have been met through programming, treatment, and intervention. Once an individual’s risk and needs are identified, it is important for supervision agencies to match individuals to services based on their unique characteristics. These include responsivity factors such as gender, age, ethnicity, learning style, motivation to change, cognitive abilities, mental health, culture, and strengths.<sup>xxxviii</sup> When treatment, programming, and interventions are selected with these responsivity factors taken into consideration, it increases the chance that an individual will succeed and have positive outcomes.<sup>xxxix</sup> Beyond addressing responsivity factors, another critical component to success is ensuring the range of necessary services are available in the community. This includes both outpatient and inpatient treatment, individual and group therapy, and job training and vocational training, among others.

To effectively assist supervised individuals, resources and community-based supports should be:

- 1) Available in all given supervision regions
- 2) Reasonably accessible without geographic or financial disruption
- 3) Responsive to individuals’ specific criminogenic, taking into account individual responsivity factors

### ***Lack of access to behavioral health treatment impedes success on supervision***

Staff across all four states noted the lack of mental health programming and resources as a significant barrier to successful completion of community supervision. While current research has concluded that mental health is not a predictor of future criminal behavior, mental illness can impact an individual’s ability to successfully complete programming and interventions, making it a responsivity factor that needs to be addressed to ensure an individual’s success on supervision.<sup>xi</sup>

In Montana, 43 percent of surveyed supervision officers reported that their area of the state did not have enough mental health resources to support the needs of individuals on their caseload. Supervision officers in Florida expressed similar sentiments, with 54 percent reporting a lack of mental health programming as the biggest treatment need for the individuals on their caseload. Officers in Colorado likewise cited mental health as being the most prevalent barrier that needs to be addressed for individuals on their caseloads, yet noted this need is met with a dearth of services. Perhaps more than any assessed state, a lack of services was especially pronounced in Mississippi, where probation and parole agents across the state shared that they lacked options for referring individuals to programming and resources that addressed their needs. This dearth is further evidenced by the fact that Mississippi ranked 48th among U.S. states in access to mental health care.<sup>xlii</sup>

***Lack of housing, reliable transportation, and financial restraints impact individuals’ success on supervision***

Aside from access to mental health programming, stakeholders in all four states noted that housing, transportation, and financial barriers significantly impede supervision successes, particularly in rural areas. Supervision officers in Montana noted that a lack of available housing has contributed to substantial homelessness and subsequent increases in absconding. Officers in Colorado cited the out-of-pocket costs of required drug testing as a challenge for individuals on their caseloads, particularly those who are already struggling to obtain and maintain employment. In Florida, sweeping license-suspension policies result in many individuals losing access to transportation and struggling to comply with reporting requirements. Among those officers in Florida who felt access to services were inadequate, 86 percent cited transportation as being one of the primary factors impeding access to services for their supervisees. Community supervision staff in Mississippi noted a lack of local job opportunities as a driver of noncompliance with supervision conditions. In particular, Mississippi officers cited a need for more trade skill programs both inside prisons and in the community.

**ORGANIZATIONAL CULTURE**

Finally, CJI assessed factors that impact overall sustainability of policies and practices intended to improve supervision outcomes, especially for rural communities. One important factor is organizational culture — a shared set of attitudes, beliefs, and values — and its ability to impact policy implementation, officer-client rapport, commitment to change, and cohesion between staff and leadership. Organizational culture has significant influence on reform sustainability, as it directly impacts the extent to which evidence-based practices are used with fidelity.<sup>xlii</sup> Effective organizational culture in the context of community supervision systems should encompass the following:

- 1) Shared commitment to embracing EBPs and strategies that promote behavior change
- 2) Alignment between agency staff and leadership on the agency’s policies and practices
- 3) Strong inter-organizational collaboration that promotes investment with external stakeholders

In addition to a strong organizational culture, other factors impacting sustainability include the need for accurate and reliable data available in real-time. Research has shown that for evidence-based practices to be effective at changing behavior and reducing recidivism, they must rely on accurate data and be successfully implemented with ongoing oversight and tracking.<sup>xliii</sup> This is necessary to drive both current decision-making, such as identifying who might need to be discharged from supervision to address high caseloads, and to assess what programs and initiatives are working successfully and what could be adjusted, such as whether or not graduated response matrices are appropriately addressing behaviors. Any substantive changes to community supervision practices requires careful implementation and oversight, which is only possible through consistent data collection and analysis.

***Opportunities exist to better align staff and leadership around a commitment to EBPs***

CJI, in partnership with The Moss Group, examined organizational culture and its impact on the potential for sustained policy and practice change. In four of the five agencies, staff indicated some degree of misalignment with leadership. In Montana, 72 percent of staff disagreed with the statement that they were encouraged to participate in generating ideas and making policy changes. Supervision officers in Florida similarly cited high caseloads and limited resources as sources of strife and discontent with leadership decision-making. In Mississippi, officers reflected that high staff turnover and vacancy rates have made it difficult to create a positive organizational culture. For parole officers in Colorado, the

feedback was more targeted to specific policies. Interviews and survey results found a disconnect between leadership's goal to use all available sanctions and interventions before seeking revocation and staff's understanding of how this translates into practice, as well as what resources are available to them. Finally, for Colorado Probation, CJI found that staff were overwhelmingly aligned with leadership's goal of reducing recidivism in those they serve. This was due, in part, to effective communication across districts and a mission statement that clearly sets lasting behavior change as a priority of probation practices.

### ***Gaps exist to fully understand factors leading to supervision failures***

When assessing how equipped each state was for the sustainability of the reforms, stakeholders from all four states mentioned improving their data collection practices. In Mississippi, this was most prevalent in improvements to their ability to track the results of risk-and-needs assessments and case plans. In Montana, supervision officers noted the most significant data infrastructure need is ensuring that violation data is inputted into their online system. This information is currently tracked by hand, and officers have concerns about whether the manual entries are capturing all the violation data accurately. Probation officers in Colorado likewise revealed that while they have the ability to accurately track data, their system is dated, and they are unable to pull real-time data timely to help with their day-to-day decision-making.

When taken together, the findings presented in this report illuminate many of the drivers underlying supervision revocations and offer solutions for agency staff, leadership, and key stakeholders to consider as they continue to improve practices for those who work in and are impacted by the justice system. These findings were outlined in greater detail in five state reports prepared for each agency. In addition to the findings, CJI included a list of recommendations for the state to consider with the overall goal of improving outcomes.

### **Opportunities to Increase Community Supervision Success**

In determining the factors leading to revocations, the goal of CJI's assessment was to encourage the continued use of evidence-based supervision practices that will contribute to mitigating prison admissions due to failures on probation, parole, and post-release supervision, increase public safety, and promote long-term success for justice-involved individuals and their families. To achieve this goal, CJI partnered with agencies in four states to identify opportunities for new administrative policies or sustained or expanded implementation of current practices that can improve supervision outcomes. While many of the recommendations focus on administrative policy change, given the legal framework governing community supervision policies and practices, CJI has also recommended changes to current law or practice to remove or mitigate some of the barriers that may impact a supervision agency's ability to align policies with best practices and increase successful outcomes. While these opportunities were developed based on the findings in each state, a few overarching themes emerged, which fall into five categories:

- Removing barriers impacting community supervision success;
- Ensuring evidence-based supervision policies and practices are implemented with fidelity;
- Focusing resources on initial period of supervision and high-risk individuals;
- Ensuring supervision agencies have the tools and resources necessary to effectuate lasting behavior change; and
- Developing the infrastructure to support sustainable policies and practices intended to improve outcomes.

## REMOVING BARRIERS IMPACTING COMMUNITY SUPERVISION SUCCESS

CJI’s assessment revealed that the condition-setting process is a key decision point for setting individuals up for success on community supervision. CJI found that in all four states, conditions are often set without consideration of an individual’s risk level or criminogenic needs. This was supported by findings from quantitative data, as well as qualitative interviews with supervision staff which revealed that officers are spending a significant amount of time monitoring conditions that may not be tied to public safety (e.g., fines and fees), an individuals’ criminogenic need (e.g., requiring drug testing or treatment when a person does not have a diagnosed substance use disorder), or cannot be achieved due to the presence of a responsivity factor impacting success (e.g., mental health or transportation challenges). In some states, CJI found that individuals with the greatest number of conditions of supervision had the highest rate of revocations across all supervision types. When conditions are misaligned with an individual’s risk level or criminogenic needs, it impedes a supervision agency’s ability to effectively supervise someone based on risk and direct resources to those at the highest risk to reoffend, which research has found will have the greatest impact on reducing recidivism.<sup>xiv</sup>

To remove such barriers impacting community supervision success, states should:

- **Limit supervision conditions to those that address each person’s identified risks and needs to foster behavior change and directly promote public safety.** To accomplish this, some states have added a standard condition that requires individuals to participate in interventions that are assigned based on the results of a risk-and-needs assessment, giving officers the authority to create and modify case plan goals and action steps that address criminogenic needs without the requirement to request modification of conditions from the court or parole board. Several states have examined their supervision conditions and made changes to ensure that they are both individualized and tailored to public safety. For instance, Kentucky requires the use of the results of an individual’s validated risk-and-needs assessment and any other scientific means for personality analysis to establish conditions.<sup>xiv</sup> Similarly, the Division of Community Correction in Arkansas is required to use a risk-and-needs assessment to set conditions of supervision and to assign programming as part of an overall strategy for improving supervision practices.<sup>xvi</sup> Both Georgia and Ohio limited the number of standard conditions they impose to focus solely on those that support public safety.<sup>xvii</sup> And Michigan passed legislation in 2022 that eliminates generalized conditions for individuals on parole and instead requires that parole conditions be tailored to the risk and needs of individuals.<sup>xlviii</sup>
- **Take a more targeted approach to drug testing conditions.** While research has found drug testing to be useful to monitor compliance, drug testing has not been found to reduce reoffending or drug use.<sup>xlix</sup> State and agency leadership should ensure that administrative policies and statutes governing drug testing requirements are reviewed and amended to reflect a more targeted approach that use results of drug testing to identify and tailor interventions rather than to monitor compliance or as evidence to support revocation. For example, probation officers in Connecticut are directed to use positive drug tests as a tool to determine an appropriate intervention, rather than to monitor compliance or seek a revocation.<sup>1</sup>
- **Streamline the condition modification process.** Administrative policies and statutes governing condition modification should be amended to establish a streamlined process to remove or suspend conditions that conflict with the results of a risk-and-needs assessment or cannot be

achieved due to the presence of significant barriers, such as mental health needs, cognitive abilities, or financial constraints. Many states have some sort of mechanism to request a modification, with the approval of a judge or the parole board, but the process is often tedious, time-consuming, and therefore not fully utilized as intended. Nevada addressed this underutilization by requiring the Division of Parole and Probation to seek a condition modification from judges or the parole board if agents determine that a parole condition does not align with the results of a risk and needs assessment.<sup>li</sup>

- Expand the use of technology to reduce barriers impacting compliance with supervision conditions and access to treatment.** States should expand the use of post-pandemic reporting technology – such as phone and kiosk check-ins, and virtual reporting (e.g., Zoom) – to reduce barriers such as transportation, childcare, and employment that interfere with an individual’s ability to meet with supervision officers or attend virtual treatment sessions. In addition, agencies should expand the use of vouchers or other transportation options for those required to meet in person. Finally, agencies should explore the implementation of text notification capabilities for individuals on supervision to assist with appointments, hearings, and meetings to improve reporting and compliance with conditions. The expanded use of technology to reduce barriers to reporting and treatment conditions may require a change to both administrative policy and current statute depending on the framework governing community supervision in the state.

Louisiana passed the first bill of its kind in the country that codifies a remote reporting system to allow individuals on probation to report by phone or video. The law authorizes probation agents to use available technology portals in lieu of in-person check-ins.<sup>liii</sup> Mississippi passed a similar law that expanded such remote reporting to those on probation and parole.<sup>liiii</sup> The law also explicitly cites the permissible technology portals as Skype, FaceTime, and Google video chat, among others.<sup>liv</sup> To minimize the number of missed appointments for individuals on community supervision, Arkansas recently implemented text-based appointment reminders and found that such reminders significantly reduced the number of cancelled or “no-show” meetings, indicating that technology-based protocols can positively impact supervision practices.<sup>liv</sup>

- Reduce or minimize the impact of financial obligations on supervision success.** States should consider administrative or statutory opportunities to adopt payment plans, create automatic waivers of payment for the first few months an individual is on supervision, and require courts to determine an individual’s ability to pay prior to levying fines and fees. In Oklahoma, the court waives all fines, fees, and assessment costs for a period of up to six months following release from prison to parole to give individuals a chance to secure employment and stable housing before beginning to repay any financial obligations.<sup>livi</sup> Oklahoma law additionally requires the court to adopt rules and procedures to assign payment plans for indigent defendants for all financial obligations.<sup>liiii</sup>

**ENSURING POLICIES INTENDED TO IMPROVE OUTCOMES ARE IMPLEMENTED WITH FIDELITY**

State and agency leaders in all four states have taken steps to enact evidence-based supervision practices. Each state has introduced legislation around such practices and each agency has expanded upon this legislation through administrative policies aimed towards increasing use of evidence-based supervision practices intended to reduce recidivism. Additionally, a few of the state agencies have

included goals around these practices in their annual strategic plans. However, despite these efforts, additional policy and practice changes are needed to ensure policies intended to improve outcomes are implemented with fidelity.

To ensure the effective implementation of evidence-based supervision practices, states need to invest the time and resources necessary to implement policy and practice changes with fidelity. Programs and practices implemented with fidelity can better ensure the intended effectiveness of resources spent or used.<sup>lviii</sup> Implementing with fidelity helps ensure agencies' efforts are consistently working toward the intended outcomes. This includes consistently reducing recidivism for the population of people at highest risk of reoffending.

To ensure policies intended to reduce revocations and improve outcomes are implemented with fidelity, states should:

- **Review and update graduated response policies to promote consistent but individualized responses to violation behaviors.** Supervision agencies with graduated response policies should ensure administrative policies are standardized across supervision districts, include responses to both violations and positive behavior, and consider factors that impact an individual's success on supervision. Graduated response policies should also consider individuals' responsibility factors that may impact their ability to complete certain conditions. While standardization is crucial to ensure that resources, practices, and expectations are applied equitably, agencies should implement individualized responses that consider circumstances and barriers that may impact success. In addition, by establishing a system of oversight or a schedule to review the system with regularity, agencies can ensure responses are reflective of the needs of the supervised population. Agencies should gather input from staff and have supervisors conduct regular audits on how agents are using the behavior response tools to identify changes or training needs. Finally, it is important that agencies ensure staff are provided with the training and skill development necessary to effectively implement graduated responses. Leaders in Nevada prioritized this by requiring in state law that the Division of Parole and Probation update their graduated response matrix.<sup>lix</sup> Tennessee leaders prioritized the proper implementation of their matrix by requiring in statute that the Department of Corrections create and provide a program of initial and ongoing training for use of their graduated response matrix.<sup>lx</sup>
- **Develop a standardized definition of technical violations and absconding to promote transparency, fairness, and equity.** Supervision agencies should develop standard definitions for technical violations and absconding. In the absence of uniform definitions, supervision officers may struggle to identify when it is appropriate to pursue revocation or continue working with the supervisee through a graduated response approach. Many states have defined absconding to make it clear that certain conduct or an individual's continuous absence for a specific time frame constitutes absconding. Nebraska, for example, defines absconding as "purposely avoiding supervision for a period of at least two weeks and reasonable efforts by probation officers and staff to locate the probationer in person have proven unsuccessful."<sup>lxi</sup> While in Nevada, an individual is considered to have absconded when they "actively avoid supervision by making his or her whereabouts unknown to the Division for a continuous period of 60 days or more."<sup>lxii</sup>
- **Conduct regular validations of risk-and-needs assessments.** For optimal effectiveness, risk-and-needs assessments need to be validated on each agency's population. Supervision agencies

should pursue validation studies every three years (or in accordance with an agency’s definition of recidivism) to examine the instrument’s ability to identify groups of people with different probabilities of reoffending, including reducing disparities across racial groups and by gender. For instance, Nevada law requires the Department of Correction to validate its risk and needs assessment once every three years as well as the tool used by the Division of Parole and Probation.<sup>lxiii</sup>

- **Develop a formal system for continuous quality improvement for evidence-based practices and risk-informed supervision, including ongoing officer training.** Supervision agencies should provide trainings for officers during new officer orientation academies as well as follow-up skill development, coaching, and booster trainings for current staff to promote continued, consistent practice. Additionally, agencies should review current training curricula to ensure the inclusion of relevant skills and implement a system of continuous quality improvement that includes staff feedback on an ongoing basis to ensure proficiency with desired skills.

For example, Michigan law requires that the Department of Corrections provide its employees and supervising agents with intensive initial and ongoing training and professional development services to support the implementation of evidence-based practices.<sup>lxiv</sup> The law further specifies that training and professional development services provided must include assessment techniques, case planning, risk reduction and intervention strategies, effective communication skills, substance misuse intervention information, and other topics identified by the agency or its employees and supervising agents.<sup>lxv</sup> Similarly, each magistrate and circuit judge in South Dakota is required to complete training on evidence-based practices, including the use of validated risk and needs assessments and behavioral health assessments in decision making, mental illness, eligibility criteria for mental health services, and availability of mental health services.<sup>lxvi</sup>

- **Ensure that risk-and-needs assessments are being completed and used to drive the development of individualized case plans that effectively target criminogenic needs.** Supervision agencies should develop or revise existing policies surrounding case management practices to ensure a validated risk and needs assessment is being used to guide supervision decisions, including the development of individualized case plans. Administrative case management policies should include requirements that probation and parole officers – and any other staff involved in the development or tracking of case plans – receive initial and ongoing staff training and skill development on effective case management. Administrative policies should also establish a quality assurance process for reviewing case plans to ensure they align with policy and best practices. Nevada has prioritized this in state law, requiring that both the Department of Corrections as well as the Division of Parole and Probation establish quality assurance procedures to ensure proper and consistent scoring of any risk and needs assessment used and that the tool only be administered and scored by someone trained on it. The law additionally requires officers to establish case plans according to risk-and-needs assessments, and petition to modify conditions that act as a barrier.<sup>lxvii</sup>

### FOCUSING RESOURCES ON THE INITIAL PERIOD OF SUPERVISION AND HIGH-RISK INDIVIDUALS

CJI’s assessment revealed that revocation rates were highest for those assessed as high-risk and most revocations occur when an individual has served a year or less on supervision. Furthermore, in some states, individuals assessed as low risk are serving lengthy supervision terms. Research shows that focusing supervision resources on individuals at the highest risk to recidivate yields the greatest

reduction in recidivism.<sup>lxxviii</sup> Placing unnecessary supervision requirements on individuals identified as low risk can increase the likelihood of recidivism.<sup>lxxix</sup> Supervision agencies across the country have taken steps to implement policies and practices that ensure resources are focused on the individuals who are in most need of supervision and services.

To ensure resources are focused on the initial period of supervision and those identified as high risk, states should:

- **Reduce the statutorily authorized probation supervision period.** Research has found that longer terms of probation are not correlated with lower rates of reoffending and are more likely than shorter terms to result in technical violations.<sup>lxxx</sup> Many states have established limits on probation length for felonies, misdemeanors, and petty offenses. For example, in Louisiana, probation terms for misdemeanors are two years, while terms for felonies can be up to three years.<sup>lxxxi</sup> Montana similarly faced challenges with long sentence lengths, as individuals on supervision often receive multiple suspended sentences that run consecutive to one another. However, state leaders in 2021 passed HB 553 to cap the period of time a person can be on supervision at five years, with a few exceptions for certain offenses.<sup>lxxxii</sup>
- **Expand or streamline early termination policies.** To shift resources to higher-risk individuals, administrative policies and statutes should be amended to allow people at lower risk to reoffend to be moved off supervision or shifted to administrative supervision status. States across the country have adopted policies to reduce the amount of time low-risk individuals are on supervision. For example, in Nevada, the Division of Parole and Probation is required to petition the court and Board of Parole Commissioners to recommend early discharge if individuals meet certain criteria.<sup>lxxxiii</sup> Similarly, Louisiana enacted an earned compliance credit process system to allow individuals in compliance with supervision rules and conditions to reduce their supervision term by half.<sup>lxxxiv</sup> This is a process that occurs automatically, where credits are awarded up front as an incentive for compliance and can be rescinded each month as a sanction for violations.<sup>lxxxv</sup> Georgia assigns a Behavior Incentive Date (BID) allowing for early release to all individuals convicted of a first-time felony offense if the individual maintains compliance on supervision, pays all restitution, and has no new arrests for a criminal offense.<sup>lxxxvi</sup>
- **Establish or expand administrative supervision policies for lower-risk individuals.** Supervision agencies should establish or, if a policy is already in place, expand administrative or “step-down” supervision policies for low-risk individuals and direct resources to those at the highest risk to reoffend. The Colorado Department of Corrections, which supervises individuals on parole, established the use of low-risk/low custody (LRLC) caseloads, which offer a lower level of supervision with less contact requirements for eligible individuals. In response to the COVID-19 pandemic, Colorado Parole expanded eligibility to medium-risk individuals and removed home contact and drug testing supervision requirements, as well as establishing an automatic review process for eligible individuals. CJI’s analyses of these policy changes revealed that individuals placed on LRLC were more successful on supervision and had lower recidivism rates than individuals with similar risk levels who were not transferred to LRLC and remained on traditional parole.<sup>lxxxvii</sup>

## ENSURE SUPERVISION AGENCIES HAVE THE TOOLS AND RESOURCES NECESSARY TO EFFECTUATE LASTING BEHAVIOR CHANGE

Across all four states, individuals were most likely to be revoked within the first year of supervision. This finding supports existing research stressing the critical importance of ensuring resources are available and accessible to individuals in the first few months of supervision when they are most at risk of failing.<sup>lxxviii</sup> CJI’s assessment revealed several gaps in tools and resources available to directly address individuals’ criminogenic needs, including a need for additional staff training, a more comprehensive inventory of the programming and treatment gaps, and improvements to the quality of treatment programs.

To ensure supervision agencies have the tools and resources necessary to effectuate lasting behavior changes, states should:

- **Provide ongoing training, coaching, and staff skill development on Core Correctional Practices (CCP).** Core correctional practices (CCP) are a set of skills used to enhance long-term behavior change and include components of cognitive behavioral interventions in a formal or informal setting. CCP include skills such as active listening, providing feedback, role clarification, effective use of reinforcement, effective use of disapproval, effective use of authority, and cognitive restructuring tools. In many states, staff have received some training on CCP. However, even in states that are ahead of the curve in implementing EBPs, there is room for improvement regarding the use of CCP skills. Research shows that individuals supervised by officers proficiently trained in CCP skills had lower recidivism rates than those supervised by officers who do not receive this training.<sup>lxxix</sup> Training alone will not ensure fidelity; supervision staff must practice these skills over time and receive feedback on them to successfully transfer these skills to their day-to-day practice. Studies show that officers who receive ongoing coaching have a better understanding of how to use CCP skills with the individuals they supervise and implement these skills into their daily practices.<sup>lxxx</sup> While one of the barriers preventing some supervision agencies from fully implementing CCP appears to be the concern that additional time and resources will be needed to deliver these skills, studies have found that staff can successfully use CCP skills with the individuals they supervise without increasing the time spent in one-on-one interactions.<sup>lxxxi</sup> Given these benefits, states should invest in providing ongoing training and skill development for CCP among supervision staff.
- **Conduct an assessment to determine gaps in the availability and quality of treatment services and use the results to identify community-based interventions and services that should be expanded to increase success.** States should conduct a gap analysis to identify the criminogenic needs of individuals on supervision, the availability of services to address these needs throughout the state, the average time between referral and accessing the service, and the quality of services provided. From this gap analysis, supervision agencies can explore ways to address and improve service availability. For example, agencies may find a need to expand programming specifically in rural areas through such options as telehealth or virtual reporting. In addition, given the racial and ethnic disparities present when examining community supervision outcomes, agencies should undertake a gap analysis specific to this population to understand what barriers exist to accessing programs and services for this population.

- **Strengthen the quality of treatment provided to the justice-involved population.** States should develop or expand statewide clinician standards to require training on Principles of Effective Intervention (PEI) among treatment providers to fully understand and address individual criminogenic needs of the justice-involved population. Supervision agencies should also have staff dedicated to monitoring and reporting provider outcomes and ensuring providers are educated around evidence-based practices and skilled in providing services responsive to individuals’ needs.

**DEVELOP THE INFRASTRUCTURE TO SUPPORT SUSTAINABLE POLICIES AND PRACTICES INTENDED TO IMPROVE OUTCOMES**

One barrier to effectively implementing evidence-based practices mentioned by staff in all four states was the lack of time and resources needed to fully use them, and a disconnect between staff and leadership that impacts buy-in. The perceived lack of support from staff regarding the use of evidence-based supervision practices is not an indication that these practices do not work to effectively change behavior. Rather, this feedback is evidence of the need for more staff training and better communication to ensure officers and leadership are aligned around the goals of taking a proactive approach to behavior change using evidence-based supervision practices.

To develop the infrastructure to support sustainable policy and practice change intended to improve outcomes, states should:

- **Identify methods to promote enhanced communication and collaboration among community supervision agency leaders and staff.** Agency leadership should emphasize staff understanding of and make efforts to loop officers into policy and practice changes that impact their daily work. For example, in Nevada, following the passage of comprehensive legislation that included changes to community supervision policies, the Nevada Division of Parole and Probation created workgroups charged with reviewing and updating existing policies. These workgroups consisted of a cross-section of agency staff from different geographic regions of the state, as well as staff with different levels of authority (e.g., probation officers, sergeants, lieutenants, and captains). These workgroups were then charged with assisting in training staff on the policy changes.
- **Provide education on evidence-based practices to policymakers and other stakeholders in the community.** When possible, supervision agencies should pursue opportunities to offer training or education on evidence-based practices to stakeholders within their communities. These efforts will generate further awareness of the role of community supervision through the lens of risk, need, and responsivity.
- **Ensure job descriptions align with the agency’s mission.** Agencies should use evidence-based practices to guide hiring practices and tie staff performance evaluations to effective use of these practices as a means of incentivizing their use throughout the state. In Johnson County, Kansas, as part of ongoing efforts to ensure job descriptions reflect the use of evidence-based supervision practices, the Department of Corrections reviewed and updated all job descriptions to ensure alignment with skills required to achieve these practices. Additionally, the Department created a Fidelity Unit, charged with providing ongoing on-the-job skill coaching around staff use of these skills.

- **Enhance data management systems to allow for real-time decision making.** States should invest in enhanced data infrastructure that may help officers manage their daily work more efficiently and allow for real-time decision-making. This includes creating data dashboards and mechanisms for officers to directly input assessment, violation, revocation, or other caseload information rather than relying on manual entry. Nonprofit organizations such as Recidiviz have helped states across the country bolster their data infrastructure by developing dashboards and other system improvements that facilitate real-time data gathering.<sup>lxxxii</sup>
- **Conduct a deeper analysis around certain findings to examine drivers with a specific focus on absconding and factors driving racial and ethnic disparities.** Despite this project’s robustness, there is still more to explore with respect to unpacking the drivers of revocations. Specifically, the underlying causes of absconding and understanding racial and ethnic disparities warrant further analysis. These are variables that states often do not track or are inconsistent in tracking and thus do not provide insight into these critical areas of the system. This recommendation seeks to promote continued analysis that can shed light on these gaps and can be accomplished through the creation of fidelity units or working groups to assess the findings and make recommendations based on the results.

## Conclusion

With nearly 4 million people on community supervision in the United States, equipping supervision agencies with the tools and resources needed to implement evidence-based practices is critical to ensure lasting, positive outcomes.

With support from Arnold Ventures, a non-partisan philanthropic organization, the Crime and Justice Institute (CJI) assessed sentencing and supervision practices in four states: Colorado, Florida, Mississippi, and Montana. Over the course of 18 months, CJI worked collaboratively with these agencies to understand the factors impacting supervision outcomes, how current policies are aligning with best-practices, and what opportunities exist to ensure policies and practices increase public safety by helping individuals successfully complete supervision. The findings and recommendations outlined in this report are intended to guide policymakers, local government officials, supervision administrators, and all other relevant stakeholders with the information necessary to improve their current practices through the implementation of data-driven reforms that will increase public safety and promote long-term success for justice-involved individuals and their families.

## Appendix

For its evaluation of community supervision revocations, CJI conducted a robust set of quantitative and qualitative analyses. While each state’s specific methodologies differed depending upon the availability of data, every agency received similar types of assessments.

Quantitative methods were employed to address the first assessment area: understanding who is revoked on community supervision and for what. CJI analyzed 10 years’ worth of community supervision data for each agency, including individual admissions to and/or releases from supervision, whether the termination was successful or not, when a revocation was present, the reason for that revocation (e.g., technical violation vs. new crime), and, when possible, any recorded violation behaviors.

The remaining assessment areas were primarily answered qualitatively, although quantitative data supplemented these findings when available. The qualitative methods encompassed an array of approaches, including surveys administered to supervision personnel, focus groups with community supervision staff at various position levels (e.g., officers, supervisors, managers), file reviews using representative samples of community supervision cases, and interviews with stakeholders adjacent to community supervision agencies, including district attorneys, defense attorneys, judges, victim representatives, and local advocacy groups. The figure below depicts a summary of the methods:

Agency	Quantitative Analysis	Stakeholder Interviews	Agency Staff Focus Groups	Survey	File Review
<b>Colorado parole</b>	admissions, releases, and standing population between 2010 and 2019	16 stakeholders interviewed	12 focus groups (84 staff represented)	98 respondents (38% response rate)	358 files
<b>Colorado probation</b>	probation admissions (cases) between 2010 and 2019	5 stakeholders interviewed	23 focus groups (270 staff represented)	not administered	352 files
<b>Florida</b>	individual releases between 2010 and 2019	18 stakeholders interviewed	8 focus groups (57 staff represented)	586 respondents (38% response rate)	not conducted
<b>Mississippi</b>	admissions from 2010 to 2019; releases from 2009 to 2020	4 stakeholders interviewed	8 focus groups (64 staff represented)	not administered	not conducted
<b>Montana</b>	standing population and individual releases between 2012 and 2020	16 stakeholders interviewed	8 focus groups (42 staff represented)	120 respondents (46% response rate)	164 files

In total, these methods painted a comprehensive picture of community supervision systems, generating a thorough, nuanced understanding of the mechanisms driving revocations.

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