

New Directions in Community Supervision: Should We Target High Risk Offenders, High Risk Times, and High Risk Locations?¹

James M. Byrne²

Abstract

This paper addresses a simple question: what have researchers in the United States and other countries learned about probation performance generally and the effectiveness of specific probation practices in particular? While the ‘science’ derived from the evaluation studies is still weak, it has been argued that probation could be organized along three risk dimensions, targeting high-risk times, high-risk offenders and high-risk locations. Research examining these risk dimensions is presented here, and the implications for an emerging desistance-based probation paradigm are considered

Keywords: Community corrections – Evidence-based practice – Effectiveness - Desistance

Introduction

In the following review, I will attempt to address a deceptively simple question: what have researchers in the United States and other countries learned about probation performance generally and the effectiveness of specific probation practices in particular? To some, the question may appear naïve, because they believe we know what works in community corrections; and they also believe we also know why it works. For these commentators, the *more important* question can be framed as follows: why we do not have the political will in the United States and other countries to properly fund the community corrections system, so that line probation and parole officers can do their job? From this perspective, the real issue is the current distribution of correctional resources (funding for prison vs. probation) and the need for justice reinvestment, not community corrections program performance. I understand the sentiment about the politics of crime control, but I disagree with the performance/effectiveness assumption. In fact, I view the current evidence-based practice movement as an attempt to provide solid

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² Professor, Department of Criminal Justice and Criminology, University of Massachusetts, Lowell. Email: profbyrne@hotmail.com or James_Byrne@uml.edu

scientific evidence supporting both sentencing reform legislation and increased funding (proportionately) for community corrections programs.

The problem with using science to inform sentencing and corrections policy is that the “science” is weak. While some progress has been made in recent years, there is a tremendous amount of work which remains to be done before researchers can hope to make any scientific assessment of probation effectiveness. Rather than place blame on any one of a number of likely suspects for the dearth of methodologically rigorous probation research studies—from researchers, to program managers, to corrections commissioners, to federal government funding agencies—I think it is more productive to objectively review the available research evidence and move forward, identifying what research needs to be done to justify claims for evidence-based sentencing and probation reform. It is my contention that community corrections reforms based on evidence-based research reviews and the development of principles of evidence-based practice—while certainly well intentioned-- appear premature and misleading. We simply do not know enough about the effectiveness of probation to offer a specific, empirically-based blueprint for effective probation practice, because mainstream probation has been largely ignored by researchers in the United States over the past 50 years (Miofsky and Byrne, 2012).

Absent research on traditional, mainstream probation practice in the United States, policy makers and practitioners have relied on a mixture of personal experience, research on *parole*, which may not be easily transferred to probation, and on a range of intermediate sanctions, which target offenders in a small number of specialized—some refer to them as boutique-- community corrections programs (Taxman, 2008). While these research findings are promising, they do not represent sufficient scientific evidence of the effectiveness of traditional probation to justify the expansion of community sanctions. We need to know much more, not only about what works, but with whom, and most importantly, why. In the following article, I briefly describe the evidence-based review process, and summarize the results of the available “evidence-based” reviews of probation effectiveness. I then examine the available evidence on the impact of an emerging tripartite community corrections strategy, proactive community supervision, which is based on the notion that we need to target limited probation resources on (1) high risk times, (2) high risk offenders, and (3) high risk locations.

Evidence-Based Reviews: Separating Science from Nonsense

Much of the recent discussion of “what works” in criminal justice has been based on evidence-based reviews of the research on a particular topic of interest (e.g. hot spots policing, CCTV, drug courts, the effectiveness of incarceration, prison-based treatment programs, community-based sanctions, prison reentry). The proliferation of “what works” reviews run the gamut from high quality, well-designed “scientific” reviews on the one hand, to low quality, poorly designed unscientific reviews (otherwise known as nonsense) on the other (Byrne and Miofsky, 2009). Before I examine the available evidence of the effectiveness of community corrections strategies, I will attempt to distinguish the “science from nonsense” among the current wave of evidence-based reviews (Byrne and Lurigio, 2009). I do not use the term nonsense to disparage specific research studies that reach conclusions with which I disagree; it is the procedures and assessments of the *reviewers* that I challenge.

Essentially, there are three basic types of evidence-based reviews: (1) the “*gold standard*” review focuses only on randomized, controlled experiments, following the lead of the hard sciences; (2) what I refer to as the “*bronze standard*”, which includes both experimental and (well-designed) quasi-experimental research (with comparison groups); and (3) the unscientific (or what I refer to

as nonsense) approach of self-selecting a number of studies in an unsystematic manner, including experiments, quasi-experiments, and non-experimental research. The unscientific reviews are typically written by advocates of a particular program or strategy (both liberal and conservative). In the most extreme form, the authors of the review simply allude to an evidence-based review or “best practices”, with no supporting documentation and/or an evidence-based review to support their recommendations. Unfortunately, much of what is currently touted as “evidence-based” research reviews in the field of criminal justice appears to fall into this last category.

The “gold standard” for evidence-based research reviews mandates that at least two randomized field experiments must have been conducted on a particular program/strategy before we can offer an assessment of “what works” (see, e.g. the reviews conducted for the Cochrane Collaboration at www.campbellcollaboration.org). However, few evidence based reviews of criminal justice programs/strategies can meet this minimum standard, because the necessary experimental research has not been conducted. When applied to institutional corrections, for example, the use of this gold standard results in a simple conclusion: we simply don’t know what works (and what doesn’t work) with offenders in correctional settings. Since 1980, only fourteen (14) randomized experiments have been conducted in corrections (Farrington and Welsh, 2005), including seven evaluations of *juvenile* corrections programs, [two evaluations of scared straight programs for male juveniles, four evaluations of boot camps for male juveniles, one evaluation of a juvenile treatment facility (Paint Creek)] and seven evaluations of *adult* corrections programs [three evaluations of therapeutic communities for adult drug-involved inmates, and four evaluations targeting male prisoners placed in one of the following four treatment programs: reasoning and rehabilitation, social therapy, moral reconnection therapy, and cognitive behavior treatment]. Obviously, much more rigorous evaluation research will have to be conducted before *gold standard* “evidence-based reviews” can be used to guide corrections practice in either adult or juvenile corrections facilities in the United States. The same general caveat applies to community corrections, and to most categories of police, courts, and other criminal justice programs.

One solution to the problems associated with applying the “gold standard” to the current body of criminal justice research is offered by the Campbell Collaborative--lower the standards for including studies in an evidence-based review. Using what could be called a “bronze standard”, members of the Campbell Collaborative have conducted evidence-based reviews of a wide range of criminal justice interventions. Based on this relaxed standard, both experimental and well-designed quasi-experimental research studies (levels 3, 4, 5 on a quality scale ranging from 1 (low) to 5 (high)) would be examined. For a specific program or strategy to be deemed effective, at least two level 3 (or higher) studies would be needed, with supporting research from the majority of lower quality evaluations (levels 1 or 2). Several of the systematic, evidence-based reviews in the area of criminal and juvenile justice included in the Campbell Collaborative’s library use this relaxed standard for study identification and review; not surprisingly, different review standards will result in different assessments of “what works”.

For the immediate future, it appears that most assessments of the effectiveness of various criminal and juvenile justice programs will be based on this relaxed, but pragmatic, standard of research quality. In fact, it appears that the review threshold may even need to be lowered further, given the paucity of quality research available for review. In the fall of 2011, the United States Office of Justice Programs (OJP) launched its new evidence-based review website, www.Crimesolutions.gov, which includes a listing of all criminal justice programs identified as effective, based on external reviews of the available research by a group of experts selected by OJP. A summary of the review criteria used by OJP evaluators, along with a list of police, court, and corrections programs identified as effective is included on the website. One major difference

between the OJP reviews of criminal justice programs and the Campbell Collaborative reviews is that OJP will identify a program as effective based on a single program evaluation, while the Campbell Collaborative review criteria require at least two quality evaluations. We need to consider carefully the criteria we use to review a criminal justice program and identify it as effective, because the application of different review criteria will lead to different conclusions about what works. While some may view the use of evidence-based review standards as overly mechanical and restrictive, they do offer the necessary guidance for researchers interested in conducting impartial scientific reviews of the available research.

The Effectiveness of Probation

The research reviews highlighted in this section cover all major published research studies of probation since 1960. Thirty years ago, Michael Gottfredson observed that the review of the treatment literature most often cited by advocates of the “nothing works” position was the examination of 231 institutional and community treatment program evaluations by Lipton, Martinson, and Wilks (1975). However, as Gottfredson (1979) pointed out, this early “systematic review” actually provides support for the advocates of rehabilitation, while at the same time underscoring the need for standard research review criteria. All too often in systematic, evidence-based reviews, these review criteria are defined in ways that raise doubt about the conclusions offered by reviewers. After reviewing the Lipton, Martinson, and Wilks (1975) assessment of rehabilitation, Gottfredson (1979) offered the following assessment: It all depends on how you assess the quality of the research studies, summarize key findings, and aggregate the results. Consider the following:

These authors reviewed 231 treatment studies in the field of corrections, published between 1945 and 1967 ...of these 231 studies only 138 used some measure of recidivism as a criterion. Of these, only 65 used a design that met the minimum standards for scientific confidence... [O]f these 65, the treatment advocates are likely to stress that 32 (49%) reported positive results. If the field of studies is further restricted according to the quality ratings given by Upton et al. at 1975 to only “A” studies acceptable for the survey with no more than minimal shortcomings, then the number falls to 40. Of these, 19 (48%) reported positive results. (Gottfredson, 1979:11).

The Lipton, et al., review included a wide array of institutional and community based treatment programs. Only a very small number of the 40 “A” studies cited above were evaluations of probation or parole programs. In fact, Gottfredson and Gottfredson (1988) pointed out that you can count the number of adult probation studies included in this review on one hand. Actually, there were seven and only one randomly assigned offenders to different types of probation (see Lipton, Martinson and Wilks, 1975:26). If one considers for a moment that this was a review of the evaluation literature during a twenty-five year –period, then U.S. researchers were producing one quality study on probation every five years. While it would be difficult to conclude anything about the effectiveness of various forms of probation from just five studies, many subsequent probation reform efforts-- in particular, the movement toward surveillance and control-based probation and parole strategies-- begin by citing the Lipton, et al., review as definitive evidence that nothing works.

What did Lipton, Martinson and Wilks actually conclude about community supervision’s rehabilitative effects? In his now classic article, *What Works? Questions and Answers About Prison Reform*, Martinson (1974) summarized the group’s findings related to the intensive supervision of adults. The best evidence he could find came from an experimental study, not of probationers but of parolees. He focused his review on the intensive supervision of adult parolees

in California's experimental Special Intensive Parole Unit (SIPU). According to Martinson, positive findings were only found in one of four phases of the SIPU experiment Phase III. His comments on these positive results bear careful consideration:

Here, it was indeed found that a smaller caseload improved one's chances of parole success. There is, however, an important caveat that attaches to this finding: when my colleagues and I divided the whole population of subjects into two groups-those receiving supervision in the North of the state and those in the South-we found that the "improvement" of the experimentals success rates was taking place primarily in the North. The North differed from the South in one important aspect: its agents practiced a policy of returning both "experimental" and "control" violators to prison at relatively high rates. And it was the North that produced the higher success rates among its experimentals. So this improvement in experimental's performance was taking place only when accompanied [by] a "realistic threat" of severe sanctions. What this suggests is that when intensive supervision does produce an improvement in offenders' behavior, it does so not through the mechanism of "treatment" or "rehabilitation" but instead through a mechanism that our studies have almost totally ignored - the mechanism of deterrence. (Martinson, 1974 reprinted in Martinson, Palmer, and Adams, 1976:32)

Martinson's summary of findings is essentially correct, but the conclusions he draws about the relative power of deterrence vs. rehabilitation are not, for one basic reason: if it really was simply a deterrent effect at work in this phase of the project, then there should have been no significant difference between experimental and control offenders in the North, since the return to prison rate was high in the North for both groups. However, there were significant overall differences between experimental and control court offenders in the North. In addition, the success rates of offenders was higher for experimentals than for controls within all risk classification levels in the North and in three of four risk levels in the South. Finally, it is interesting to consider the fact that the intervention had the greatest positive effect on *medium* risk offenders. As Hood and Sparks(1970) have observed, "it is chiefly for the *middle risk* group of offenders that the prospect of improving the effectiveness of penal measures seems greatest"(193). This finding challenges one of the key precepts of the risk/need/responsivity(RNR) model, ie., the need to target resources on high risk offenders. In fact, it may make more sense to target treatment resources on the larger group of medium risk offenders, if overall reduction in recidivism is an organizational goal. Research exploring the merits of targeting medium versus high risk offenders (e.g. overall recidivism reductions for cohorts of offenders on probation) has yet to be conducted; but it is central to the targeting principle and will need to be completed. Despite this research gap, targeting high risk offenders is currently a key component of what is typically described as evidence-based probation practice.

Table 1 : Success and Failure Rates for Experimentals and Controls in Percentages by Region and Risk Category (California Special Intensive Parole Unit Studies (SIPU))

| Risk Level | Northern Region | | | | Southern Region | | | |
|-------------|---------------------|------------|------------------|------------|---------------------|------------|------------------|------------|
| | Experiment success* | failure*** | Control success* | failure*** | Experiment success* | failure*** | Control success* | failure*** |
| Poor Risk | 28 | 37.6 | 26.3 | 39.9 | 21.7 | 30.8 | 22.7 | 32.5 |
| Medium-Poor | 35.6 | 29.9 | 27.9 | 36.7 | 35.9 | 21.1 | 32.6 | 27.5 |
| Medium Good | 47.3 | 28.4 | 36.5 | 33.7 | 44.2 | 22.5 | 35.5 | 26.4 |
| Good Risk | 64.3 | 17.9 | 59.6 | 20.2 | 62 | 11.6 | 61.2 | 14.5 |
| Overall† | 44.6 | 28 | 37.2 | 32.7 | 40.2 | 21.7 | 37.2 | 25.6 |

* Success rate defined as the no-arrest rate:one year follow-up period

** Failure rate defined as the return-to-prison rate.

† differences between the success rates of exp. and control groups are significant (p <.05) only in the *Northern* region

(source: Adapted from Lipton, Martinson and Wilks, 1975:122, Table 8)

One other difference worth noting in the Martinson review is that offenders on intensive supervision in the North did somewhat better than offenders on intensive supervision in the Southern region. Is this evidence of a specific deterrent effect? A more likely scenario is that the threat of prison resulted in a higher level of compliance with the rehabilitative aspects of intensive supervision, which in turn led to lower recidivism. In other words, the deterrent component of intensive supervision may have had an indirect effect on recidivism through increased compliance with the treatment component of the program. Thus, the results of the early round of intensive supervision programs - although very preliminary and based on parolees- suggest that probation and parole policy makers need to develop supervision programs which attempt both to rehabilitate and to deter. They certainly do not reveal any glaring flaw in the rehabilitative strategy which would justify the abandonment of this approach to community corrections. Program developers involved in the current wave of intensive supervision programs seem to recognize this point, since specific forms of treatment and strict revocation policies are standard elements of intensive supervision (Taxman, 2008; Paparazzi, 2006; Byrne and Pattavina, 2006). These early research findings are interesting to consider, but they do not tell us anything definitive about probation effectiveness, beyond the usual caveat: the necessary research has not been done.

A number of research studies were conducted in the 1980s and early 1990s on the effectiveness of the wave of intermediate sanctions — including residential community corrections, boot camps, intensive probation supervision, day reporting centers, and electronic monitoring-- that were being touted as a new surveillance and control-oriented approach to the community supervision of offenders. However, it should be emphasized that despite their media popularity, only a small proportion of all offenders (no more than 10% in any given year over the last three decades) were actually placed in these programs in the United States. As before, traditional probation was still — and continues to be — the sanction of choice for most categories of

nonviolent offenders, along with a significant number of violent offenders. The fact that traditional probation was largely ignored by evaluators is a problem, because much of the research evidence that is cited in support of evidence-based probation practice is *not* research on probation; it is research on intermediate sanctions. We still know remarkably little about the effectiveness of federal, state, and local probation systems in the United States.

Gottfredson and Gottfredson (1988:198-199) examined over 130 probation studies conducted over the previous two decades (1960-1980) and found that only 10 studies met their minimum review criteria. The key findings identified in their review of these 10 studies are important to consider:

1. *The necessary research has not been done to permit a determination of whether probation is more effective than imprisonment as a rehabilitative treatment.*
 2. *Evidence tends to support the conjecture that the personal characteristics of offenders are more important than the form of treatment in determining future recidivism.*
 3. *From limited evidence, it appears that intensive supervision may result in more technical violations known and acted upon and also to fewer new offense convictions; thus, the size of the caseload may have some effect on recidivism.*
 4. *There is limited evidence to indicate what forms of treatment and supervision provide more effective results when applied to probationers generally or to any particular classification of offenders, and even that evidence is mixed.*
- (as quoted in Byrne, Lurigio, and Baird, 1989: 23).

In the late 1980s, researchers at RAND conducted a large multi-site evaluation of intensive probation supervision in fourteen separate jurisdictions using random assignment to treatment and control groups (Petersilia and Turner, 1993). However, in several of the sites, there were problems with small sample size, due to restrictive target population criteria, rendering the identification of statistically significant effects difficult in several sites. To address the small sample size issue, researchers pooled results across sites, which is an acceptable method only if the sites were operating similar programs with similar target populations. Unfortunately, this was not the case, a point subsequent reviewers have largely ignored. It is this multi-site evaluation that is most often cited as evidence that surveillance-oriented intensive probation supervision programs did not reduce recidivism (MacKenzie, 2006). The fact that the researchers conducted a randomized experiment across 9 states and 14 sites is impressive, but the research conducted at each of these sites must be reviewed carefully. In our assessment, we actually learned relatively little about intensive supervision from these evaluations, for two simple reasons; (1) sample size was too small in most sites to identify effects; and (2) researchers focused only on the surveillance component of intensive supervision in their experiment, making it impossible to assess the individual and combined effects of changes in either—or both—the surveillance and treatment components of intensive supervision. To their credit, the researchers acknowledged this limitation in their final report of study findings (Petersilia and Turner, 1993)

One interesting side note: In two of the intensive supervision experimental sites, offenders were randomly assigned to a short term of incarceration or intensive probation supervision. Since inclusion in the RAND study at these two sites was voluntary, offenders could opt out of the pool of eligible participants. In one jurisdiction, one in four offenders refused to participate; these offenders were incarceration-bound, which meant they simply went to prison as sentenced. One interpretation of this decision is that for some offenders, lifestyle interruption (a short stay in prison/jail) may be preferable to lifestyle change (via intensive supervision). This is an avenue for further research that needs to be investigated further.

Recently, Villetet, Killias, and Zoder, (2006) conducted a systematic review comparing prison against a variety of community-based sanctions, including probation, community service, and electronic monitoring. Only studies comparing custodial vs. non-custodial sanctions were included in this review. Three hundred research studies were originally examined, but only 23 studies met the minimum criteria for inclusion. In total, 18 quasi-experiments and five experimental studies were identified and analyzed. Focusing on the five experimental and 18 quasi-experimental studies investigating custodial versus non-custodial sanctions, the authors reported that:

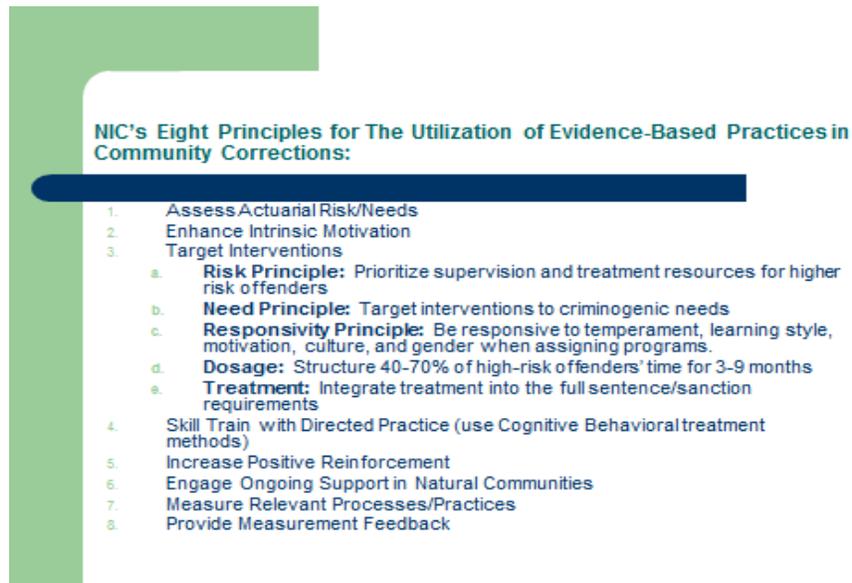
“Although a vast majority of the selected studies show non-custodial sanctions to be more beneficial in terms of reoffending than custodial sanctions, no significant difference is found in the meta-analysis based on four controlled and one natural experiments” (Villetet et al., 2006:3).

It is worth looking a bit more closely at this group of experiments included in the meta-analysis. One study comparing prison to probation (Bergman, 1976) showed probationers fared significantly better; however, a second study comparing prison to community service had mixed results (Killias, Aebi, & Ribeaud, 2000), while a third natural experiment comparing the effects of a 14-day prison term to a suspended sentence reported mixed results as well (Van der Werff, 1979). Turning to the quasi-experiments, the authors reported that 11 of the 18 studies they reviewed showed positive effects for a range of non-custodial sanctions, including probation, home confinement, community service, and mandatory alcohol treatment in drunk driving cases (Villetet, et.al, 2006).

New Directions in Community Supervision

Across the United States, new strategies for the community supervision of offenders are being developed, based in large part on the eight principles of evidence-based probation practice developed and disseminated by the National Institute of Corrections (see Figure 1 below). While I have questioned whether these eight principles can be classified as evidence-based, it is likely that rigorous evaluations of these new evidence-based initiatives will be conducted in the near future, which will provide the field of probation with something it currently lacks: credible evidence of the effectiveness—or lack of effectiveness—of these new initiatives. In 2008, I was commissioned by the Pew Foundation to review the available research evidence supporting principle 3 in the NIC model: targeting interventions. I was asked specifically to review the research in three dimensions of targeting: (1) targeting high risk times, (2) targeting high risk offenders, and (3) targeting high risk locations. The review that follows is an updated—and more detailed—descriptions of what we currently know in each of these areas.

Figure 1: NIC's Eight Principles of Evidence-based Probation



Several jurisdictions (see, for example the case study of Maryland's Proactive Community Supervision Program (Taxman, Yancy & Bilanian, 2006 or Travis County incubator reports (Cadora, Fabelo, and Nagy, 2006)) are currently considering the development of a new variation of intensive probation and parole supervision, called *proactive (or concentrated) community supervision* (see, e.g. Taxman, 2002; Mackenzie, 2006). The new generation of proactive, concentrated supervision strategies are based on the assumption that community supervision is most effective when it is concentrated by (1) time, (2) offender, and (3) location (Byrne, 2009). It is anticipated that community corrections officers will manage the offenders on their caseloads in a fundamentally different way in this model, which recognizes the importance of strengthening *informal* social mechanisms (e.g. work, marriage, mentors) operating at the individual and community level (National Research Council, 2007; Byrne and Rebovich, 2007; Taxman, et.al., 2004). However, programs –and these line officers—will not abandon the use of formal control mechanisms to assure compliance and accountability; these mechanisms are part of the “tools of the trade” for community corrections officers and how/when/why they will be used represent a critical feature of new concentrated community supervision strategies (Taxman, et. al., 2004).

Perhaps the most overlooked informal social control mechanism in community corrections today is found in the relationship that develops between the offender and the community corrections officer, who is asked to perform the dual role of supervision and treatment (Taxman, 2002; Taxman, 2006). Reducing caseload size (APPA, 2006) theoretically allows supervision staff to work more closely with offenders, but it is the nature and duration of “work” that changes in a concentrated supervision model of community corrections, as line staff develop new roles and functions that emphasize the importance of the line community corrections officer, in the both offender change and the community change process (Reinventing Probation Council, 2000; Rhine, et al., 2001).

The techniques that have been identified to assess offenders and then manage this change process include: (1) the use of new generations of risk classification devices(see Latessa, 2009), (2) training line staff on the appropriate use of motivational interviewing techniques to facilitate individual offender change in identified areas, and (3) developing case management

plans that recognize the importance of timing as well as the influence of community level factors, such as treatment availability, and community risk level (Taxman, 2008). By focusing on the need to strengthen informal social control mechanisms at the individual and community level, proactive, concentrated community supervision strategies represent a new approach to the community supervision of offenders (National Research Council, 2007; Byrne and Taxman, 2005;Taxman, et al., 2004). Byrne(2009) recently reviewed the research supporting this new approach to community supervision. The key findings from this review are included here:

Dimension 1: Timing is everything-Why Supervision Resources need to be Front-Loaded

Offenders on both probation and parole are much more likely to fail—either because of a technical violation of their supervision/release conditions and/or arrest for a new crime—at the start of their community supervision period (National Research Council, 2007). The obvious question this raises is “what—if anything—can community corrections managers do differently to reduce the risk posed by offenders at the start of their supervision periods? Remarkably, there is a dearth of published research that bears directly on this issue, a point emphasized in the recent review by the National Research Council. However, we do have a growing body of research on the implementation and impact of offender reentry initiatives for parolees that can be examined (Byrne, Taxman, and Young, 2004). Invariably, the new generation of offender reentry programs emphasize the critical importance, not only of continuity of treatment as offenders transition from institutional to community settings, but also for a proactive, structured reentry plan that includes both accountability and treatment/resource dimensions (Byrne, 2004).

The challenge for community corrections managers is to respond to the fact that offenders pose the greatest risk to the community at the start of their probation or parole periods by designing and field testing new approaches to offenders during this initial “at risk” period. Because high risk offenders—by definition—will re-offend at much higher rates than moderate or low risk offenders, it certainly makes sense to focus limited resources on this subgroup of offenders, but the timing dimension applies equally to offenders at each initial risk assessment level (National Research Council, 2007). *Concentration by time* focuses limited community corrections resources (supervision, treatment) at the start of the offender’s term of probation (or release from prison/jail). By “frontloading” supervision and treatment in this way, community corrections managers are attempting to be proactive; offenders are the focus of community supervision before—not after—they violate a specific rule or commit a new crime. We should emphasize that while we know when offenders are most at-risk, we don’t have evidence on what we can do to reduce these “early failures, for a simple reason: Research supporting the effectiveness of this type of frontloading strategy has yet to be conducted.

In many jurisdictions, time-focused supervision strategies are likely the first step toward shorter, but more intensive, supervision terms in these jurisdictions. In this regard, it is important to note that Texas and California—the two states with the country’s largest community corrections populations, which account for almost a quarter of *all* offenders under community supervision in this country today—have both enacted legislation designed to drastically shorten the length of community supervision terms . In Texas, supervision terms have been reduced from 10 to 5 years; and in California, new procedures are being adopted which will move offenders off active supervision caseloads if they successfully complete their initial probation period (Petersilia,Lin and Beckman, 2009).

Concentrating community supervision resources at the start of an offender’s probation or parole term certainly makes sense if risk reduction is your goal, since offenders are more likely to

offend at the start of their supervision terms. What does the research on the changing risk of re-offending over time reveal? According to a recent review by the National Research Council (2007), offenders released from prison are at the highest risk of re-arrest during the first month after release from prison. The report cited research by Richard Rosenfeld and colleagues (2007) on the post-release arrest probabilities of 243,334 individuals released from prison in 13 states. Figure 1 below highlights the results of this review, which presents the risk of re-offending in one of three categories(drug, property, and violent offenses). Unfortunately for the purposes of this review, it does not include the pattern of re-offending for offenders convicted of violent, property, and drug offenses. This caveat notwithstanding, the findings are worthy of careful consideration. Overall, two-thirds of the released prisoners were re-arrested at least once during the 3 year follow-up period, but an offender's probability of arrest was almost twice as high in the first month of supervision as in the fifteenth month. Perhaps equally important, there was little variation in the probability of arrest for the entire sample between months fifteen and thirty-six, which certainly suggests that supervision and services may have only marginal effects on re-arrest after the first year of supervision. However, since these are aggregate re-arrest data being examined, we have no way of knowing if the patterns vary by the risk level of the offender and , more to the point, by the level/type of supervision and services employed.

Rosenfeld and his colleagues also identified significant variation in the probability of re-arrests for violent, property and drug offenses, which are highlighted in figure 2. The authors of the National Research Council Report note that “Although risk for arrest declines over time for all three crime types, a much steeper decline occurs for property and drug offenders, whose arrest risk drops by nearly 50 percent between the first and 15th month after release; for violent offenders, the decline is only about 20 percent from the first to the 15th month out of prison” (2007:4-11).In fact, the probability of arrest for a violent offense actually increased slightly(from .007 to .009 percent) between months 15 and 19, and more noticeably(from .006 to .008 percent) between months 31 and 34. Based on the arrest patterns of prison releasees highlighted in the National Research Council report, it appears that the probability that an offender released from prison will be arrested for a violent crime during the first 36 months after release is low, and it does not appear to vary very much over time. For offenders leaving prison, subsequent violence is a rare occurrence throughout the supervision period reviewed in this study(36 months).. While this finding certainly suggests that proactive, front-loaded supervision strategies may be more appropriate for reducing drug or property crime than violent crime, it should be emphasized that the crime-specific arrest probabilities included in figure 1 may be influenced by a variety of factors, including offender risk level, conviction offense type, location, and supervision levels, that were not examined in this research study.[*note: the NRC report discusses these findings in terms of offenders(e.g. drug, property, violent), but the data represent offense patterns, which is something quite different*] While this finding certainly suggests that proactive, front loaded supervision strategies may be more appropriate for reducing drug or property crime than violent crime, this raises 3 issues: 1) crime-specific arrest probabilities need to be sorted out by risk level, location and supervision levels to understand who is being rearrested and where they are being arrested; 2) crime-specific arrest probabilities need to be identified by type of drug offender since the drug-crime literature is more definitive for opiate addicts than marijuana addicts (the larger percentage of those arrested for drug crimes); and 3) crime-specific probabilities need to be identified by location or community since recent studies have found concentrations of recidivism for offenders in “hot spots” or places where the concentration of offenders reside (Kubrin and Stewart, 2006).

For many offenders released from prison, the initial three month transition from institution to community is the period when offenders on parole are most “at risk” to initially re-offend. To

reduce this risk, proactive concentrated supervision strategies frontload both supervision and services during this initial three month period. Once offenders “survive” this initial “at risk” period, it is assumed that their risk level has been reduced, which will allow parole officers to shift resources and services to a new group of at-risk offenders (Lowenkamp and Latessa, 2005). Similarly, it appears that offenders placed on probation are also most at risk for re-arrest during the first few months of supervision, although it should be noted that no detailed, multi-jurisdictional analysis of the timing of probationer re-offending has been completed in the past twenty years in the United States. However, one study of the pattern and timing of re-offending among Massachusetts probationers is revealing (Byrne and Kelly, 1989). In this study, a short term deterrent effect was identified among the subgroup of offenders who receive split sentences followed by intensive probation supervision (Byrne and Kelly, 1989).For split sentence offenders, re-arrest probabilities in the first month after release were lower than in subsequent months (2,3), which suggests that community corrections officers have a brief grace period to address offender problems and resource needs .

Overall, the probability of an offender being re-arrested in his/her first month of probation or parole supervision varies by (1) the offender’s risk level, (2) conviction offense type, and (3) the risk level of the community where the offender resides (Gottfredson and Taylor, 1986; Pattavina, Byrne and Garcia, 2006).

Figure 2. Probability of Arrest for a Violent, Property, or Drug Crime 36 Months After Release From Prison



Note: Probabilities adjusted for time off the street.

Table Adapted From Parole, Desistance from Crime, and Community Integration
(<http://www.nap.edu/catalog/11988.html>)

Source: Richard Rosenfeld, Robert Fornango, and Joel Wallman.

Shortening the length of probation and parole supervision appears to be justified based on the available research demonstrating that offenders under community supervision for long periods actually pose a very low risk to re-offend. However, for certain groups of offenders—sex offenders and violent offenders come immediately to mind—both legislators and the public are less interested in the “facts” about the *probability* of re-offending and more interested in designing strategies that reduce the *possibility* of re-offending. As a result, there has been serious consideration of two very different approaches to the length of offender supervision: the strategy of concentrated supervision we have highlighted here; and lifetime supervision.

I have examined developments and research in both areas. First—as I have noted-- community corrections managers are implementing policies that will target supervision and treatment resources at the outset of supervision for high risk offenders, reduce the length of supervision, and shorten and/or eliminate probation supervision terms for many other (lower risk) offenders. By concentrating available resources at the start of supervision, community corrections managers are attempting to respond to a serious flaw in traditional supervision strategies: a significant number of offenders re-offend during the first months of supervision; in some cases, offenders are re-arrested for new criminal behavior *before* the probation and parole officers assigned to the offender can begin their assessment, supervision, and/or service provision activities (National Research Council, 2007).

At the same time concentrated supervision strategies are being developed, legislators across the United States are also passing provisions that allow the imposition of lifetime supervision on certain categories of offenders, based on the assumption that some offender will pose a threat to the community that will *not* diminish over time. According to a recent review (Byrne, 2009), thirty-one states have passed legislation allowing the use of lifetime community supervision for targeted groups of offenders, most notably sex offenders and offenders convicted of homicide. While a review of the research on the recidivism of these two groups of offenders reveals that they are actually the lowest risk offenders under community supervision (Harris and Byrne, 2007; Sample and Bray, 2003), it appears that for certain offenders, it’s not about the risk of re-offending; it’s about stakes (or the consequences of re-offending), not only for the individual victim but also for the community corrections agency responsible for supervising the offender.

When viewed from a *stakes vs. risk* perspective, it can be argued that a 1 in 20 risk of a sex offender or a murderer re-offending is greater (in terms of stakes) than a 1 in 2 likelihood of a drug or property offender re-offending, due to the seriousness of the re-offending behavior. This is the rationale underlying the enactment of new legislation allowing lifetime supervision for these two categories of offenders. While this strategy runs counter to a concentrated supervision model, it is important to keep in mind that for many legislatures—and the public at large—there is deep skepticism about the prospects for change in certain groups of offenders that must be overcome before risk-driven concentrated supervision strategies can be fully implemented.

Dimension 2: Targeting the supervision and service needs of high risk offenders

Risk-driven concentrated supervision strategies are based on two assumptions: first, all offenders placed on community supervisions are at the greatest risk to re-offend during the first few months of supervision; and second, there are a subgroup of “high risk” offenders that can be identified that are the most likely to fail while on community supervision, with the first three months the period the most likely time for failure to occur among this group of probationers and parolees (NRC, 2007). The second dimension of the concentrated supervision strategy, *concentration by offender*, attempts to target limited community corrections resources on the offenders who either pose the greatest risk to the community (e.g. the subgroup of high recidivism risk offenders, based on the results of the newest generation of objective risk assessment instruments) or who are the most likely to benefit from the provision of treatment (e.g. specialized programs (drug courts) that target the subgroup of drug offenders who are the most likely to desist during a specified treatment period). There is currently a debate over whether we should target limited probation resources on high risk offenders, or on offenders classified as medium risk, that may be more amenable to change(see my earlier discussion). Regardless of the method of concentration selected (e.g. by risk level, and/or need for treatment), it is likely that these jurisdictions will also need to consider cost containment strategies, perhaps by shortening the length of active supervision for all offenders, and/or by monitoring the progress of high, moderate, and low risk offenders and adjusting the level of supervision and/or services available to offenders placed on probation or parole, based on evidence of risk reduction. For these offenders, it may be possible to utilize such technological innovations as reporting kiosks to replace traditional, officer-based supervision practices (Harris and Byrne, 2007; Koch Institute, 2001; Jacobson, 2005; Austin, 2001; Burrell, 2005). In addition, some jurisdictions in the United States are currently exploring the use of real time risk assessment instruments(with real time risk monitoring capacity), which could potentially be used to link changes in risk level to changes, both in supervision level, and treatment level.

As noted in the previous section, one strategy designed to reduce the risk posed by both groups of offenders is to frontload supervision and services to both these groups, focusing additional resources on the highest risk offenders. To accomplish this, it is necessary to limit caseload size drastically, and to develop a risk-driven policy of moving high risk offenders to lower levels of supervision, but only if it appears that the concentrated supervision strategy has resulted in significant risk reduction (Jacobson, 2005). While the research on the impact of caseload size reduction is inconclusive (NRC, 2007), the American Probation and Parole Association (2006) offered the following adult caseload standards for consideration : (1) intensive caseloads (20:1), (2) moderate to high risk (50:1), (3) low risk (200:1), and administrative caseloads (no limit; 1000:1). APPA emphasized that smaller caseloads targeting the highest risk offenders for supervision and services must be accompanied by new strategies of case management .In short, it can be argued that while caseload size matters, caseload management matters more (Taxman, 2002; Taxman et al., 2004).

To accomplish this goal, the new generation of community supervision programs will need to assess offenders risk level and then design evidence-based risk reduction strategies (Latessa, 2009; Latessa and Lowenkamp, 2005, 2006). These risk-reduction strategies will focus available resources on offender(and community) change in several key areas, including (1) *personal* development (mental health, substance abuse issues, relationships, housing, and health issues), (2) *skill* development (education, technical skill acquisition, employment training employment stability, career planning,) and (3) *community resource* development (treatment availability, location, and quality/treatment on demand, housing, employment). One example of this approach

to risk-driven community supervision is found in Maryland, which recently implemented a statewide proactive community supervision program (Taxman, 2008; Taxman and Ainsworth, 2009).

Since accountability is also a critical feature of community corrections, concentrated supervision strategies will need to monitor offender compliance with the conditions of probation and parole closely, while developing a structured hierarchy of both rewards—for offender progress, compliance—and sanctions—for offender resistance/non-compliance. A wide range of recent technological innovations appear to make the task of monitoring offender compliance with various probation and parole conditions much simpler today than in the past. Table 2 below highlights these new technological innovations, which certainly allow line staff to monitor offender locations, movements, drug and alcohol consumption, risk level, and progress in treatment. However, it is one thing to collect these types of information in the pursuit of increased accountability; it is another thing entirely to use these information sources to not only control but also to change offenders. Recognition of this dual role—accountability and change—appears to be a critical design feature of this new generation of community supervision programs. A review of the research on implementation of new initiatives in community corrections raises a cautionary note: implementation has been described as the “bane of effective correctional programs” in a recent review (Rhine et. al., 2006).

Table 2: The New Technology of Community Corrections.

| | HARD Technology | SOFT Technology |
|------------------------------|--|--|
| Community Corrections | <ul style="list-style-type: none"> ● GPS/RF electronic monitoring technology for offender location, monitoring of zone restrictions, etc. ● language translators ● Breathalyzers, instant drug tests ● Polygraph tests ● Laptops for line staff ● GPS for staff location ● Reporting kiosks ● Remote alcohol monitoring devices ● plethysmographs | <ul style="list-style-type: none"> ● New classification devices for the assessment of sex, drug, and mentally ill offenders ● New workload software ● Mapping software applications(offender location, resource location) ● Information sharing with community, police, treatment providers ● Computer software to monitor sex offender internet activities |

Source: Byrne and Rebovich(2007)

Rewards systems include the downgrading of supervision (due to risk reduction), the removal of selected restrictions, and/or early termination from active supervision. Sanctioning systems will also need to be designed that provide a full range of non-incarceration-based responses to technical violators(Taxman, et. al., 2005).Given the demonstrated link between technical violators and prison population increases(Jacobson, 2005; Petersilia, 2007), new strategies for assuring offender accountability in community settings need to be field tested. Washington State’s recent moratorium on the use of prison for technical violators is one recent example of this new approach, but certainly the recent introduction of reentry courts in several jurisdictions, as well as reentry partnership initiatives in several other states, provides ample evidence that we are beginning to move proactively in this direction (Byrne and Pattavina, 2007).

Dimension 3: Reintegrating the Concept of Community into Community-based corrections- why Location matters

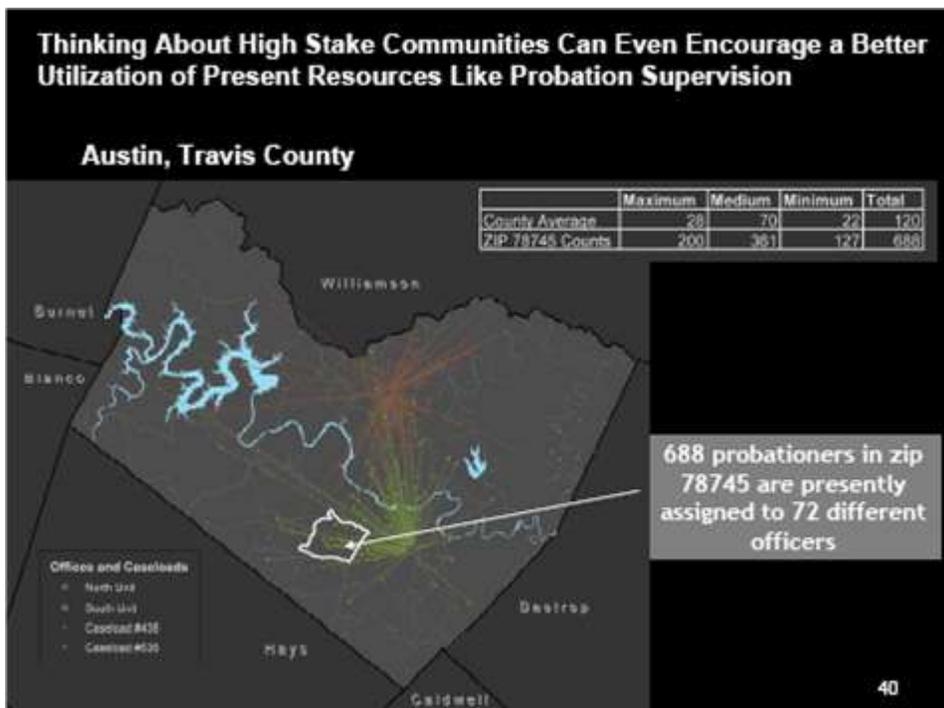
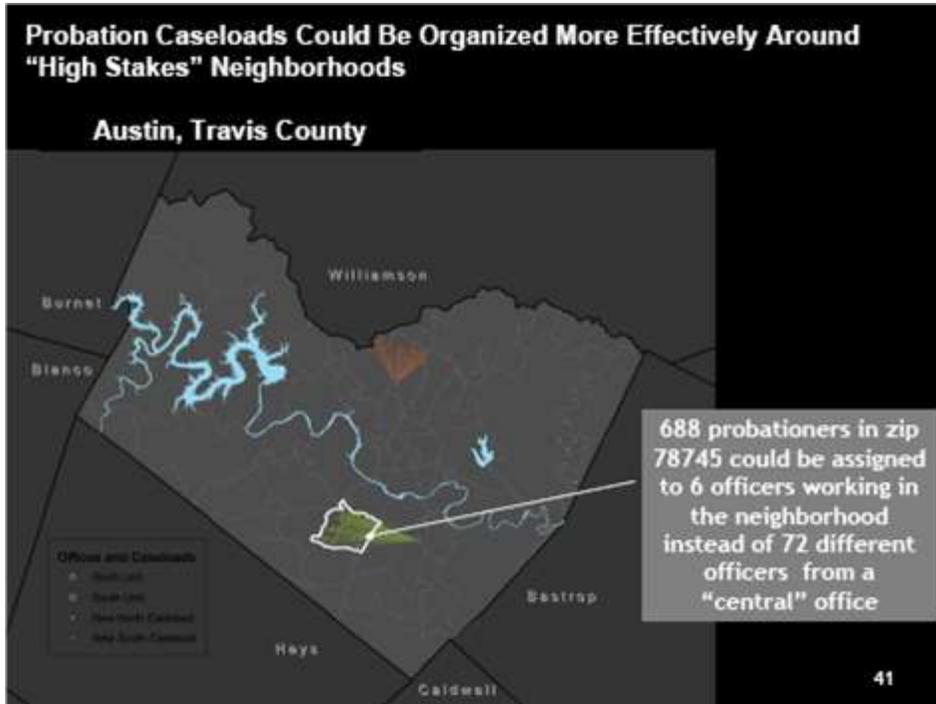
We know that our current community supervision population is concentrated in a small number of high risk, poverty pocket neighborhoods. We also know that living in a “high risk” community will increase the probability that an offender will re-offend while on probation or parole (Gottfredson and Taylor, 1986; Kubrin, Squires and Stewart, 2007; Nilsson and Estrada, 2007). This has led some to recommend incorporating measures of community risk level into current risk assessment instruments(Byrne and Pattavina, 2006).). Consider the following assessment by Morenoff and Harding (2011: 72):

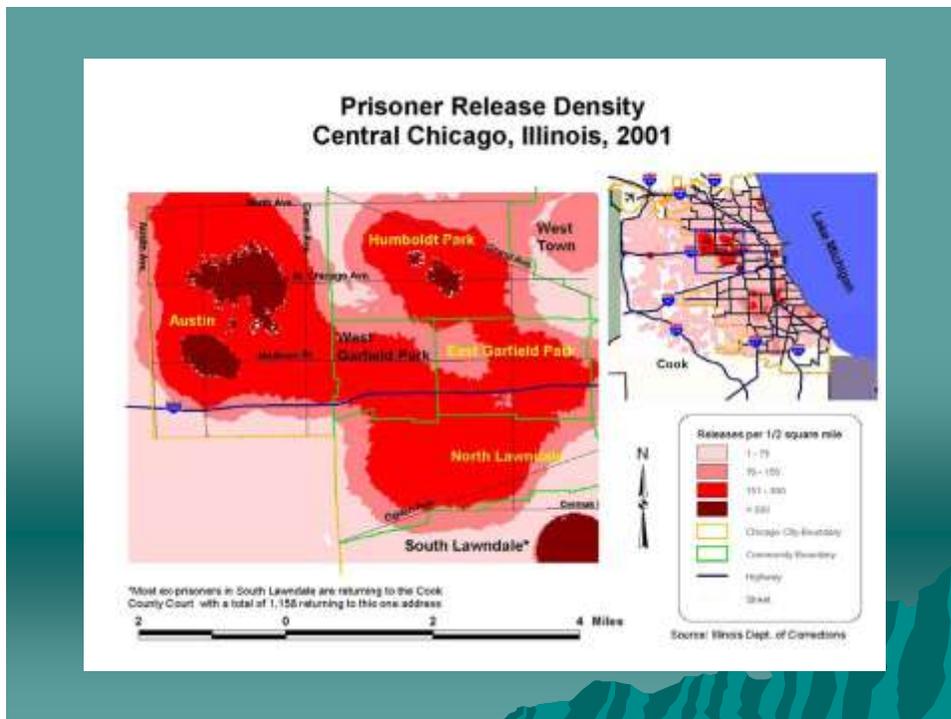
“Risk assessments could be improved by taking into account information on neighborhood context. Individuals returning to certain types of neighborhoods may be at greater risk of parole failure and in greater need of services to find and maintain employment. Systematically building neighborhood-based elements of risk into regular assessments would facilitate the efficient targeting of services and supervision resources”.

In addition to assessing both individual and community risk level during the initial assessment process, it seems logical to also devise community supervision and service delivery strategies that target community-level risk reduction in these areas. The location component of concentrated supervision strategies may take a variety of forms, but likely will include the assignment of community corrections officers to specific geographic areas rather than to specific caseloads, as well as the location—and concentration-- of community resources in these same high risk, resource poor neighborhoods (Rhine, et al., 2001). To date, there is no body of empirical research to demonstrate the efficacy of this dimension of concentrated community supervision, but it appears to be a critical area for additional program development and evaluation.

The third dimension of the concentrated supervision strategy, ***concentration by location***, incorporates current knowledge available through the use of various crime mapping programs and crime analysis techniques to identify the geographic concentration of offenders in a particular community, and then analyzing the links between/among offender concentrations, officer concentrations, and resource concentrations in these areas. The maps/figures below (see Cadora, 2006) highlight the application of offender and officer mapping techniques in one jurisdiction (Austin, Texas). Review of these simple location-specific maps and accompanying workload reallocation recommendations is the first step in designing community supervision

strategies that attempt to directly examine the community dimension. Similar mapping strategies can be used to identify the location of various treatment resources in these areas and/or to highlight shortfalls –or gaps—in the service provision networks available in these high risk communities.





A number of recent research studies have focused on the impact of community resource availability, quality, and location on the behavior of offenders under community supervision (Morenoff and Harding, 2011; Mears and Bhati, 2006; Jacobson, 2006; Byrne and Taxman, 2006; and Clear, 2007). Such strategies appear to be consistent with the view that you cannot change offenders unless you change the communities (e.g. community culture, community resources) in which offenders reside (Byrne and Stowell, 2007; Pattavina, Byrne and Garcia, 2006; Taxman, 2006). While there are a variety of possible community change models to consider—from the “broken windows probation” strategy recommended by the Reinventing Probation Council (2000), to Weed and Seed strategies popular with the Office of National Drug Control Policy, to the Restorative Justice Initiatives described by Bazemore (2004), Clear (2003; 2007) and others—the renewed focus on the impact of communities on offenders (and on the impact of offenders on communities) appears long overdue .

Although there has been little empirical research conducted to date that demonstrates the effectiveness of this type of community-focused intervention strategy, there appears to be growing support for new initiatives in this area. Developing one-stop centers for services, assignment of officers to neighborhoods, and encouraging stronger partnerships with neighborhood organizations and law enforcement are currently identified in recent reviews as “best practices” (NIC, 2007), but it must be emphasized that the research evidence supporting these strategies simply does not exist. It will certainly be a challenge to get real community ownership and genuine community involvement in the supervision model at the local level . One key issue has been the question of whose role is it to address the community context issue? Many community corrections agencies are reluctant to take this one on in an era of scarce resources, but it appears that community corrections needs to consider the need for (1) leadership, (2) partnership, and (3) ownership in this critical dimension of concentrated community supervision (Byrne, Taxman, and Young, 2004). Probation and parole officers can and should become catalysts for change in high risk, but resource poor, communities.

The transition from prison to community initiative and now the reentry process efforts in states around the country are aimed at pulling together partnerships at all levels, including these concentrated locations. Key to this effort is the recognition that public safety and public health is not a corrections issue alone. The reentry effort is gaining momentum in successfully pulling together governmental agencies, not-for profit service organizations, faith based groups, treatment providers and community groups to share in developing solutions to improving public safety and public health. This effort puts community correction agencies at the table with other stakeholders, who share an equal or greater interest and responsibility for solving and addressing these complex issues.

Concluding comments

In the United States and other countries, program developers have designed probation to focus on short-term offender risk control, rather than long term offender change. However, the emergence of desistance-based probation strategies certainly challenges this risk-driven approach by articulating a strength-based approach to long term desistance from crime (McNeill, et.al., 2012). The key to successful program development in community corrections is easy to articulate, but much harder to implement: find the optimal balance (or tipping point) between formal and informal social control mechanisms. Unfortunately, very little attention has been focused on the performance of traditional probation, so program developers and practitioners have little guidance from researchers in this critical area. Perhaps not surprisingly, probation administrators have not attempted to balance informal and formal control mechanisms, opting instead to emphasize formal control mechanisms—drug testing, curfews, mandatory conditions, use of incarceration for technical violations--and short term risk control as an acceptable performance measure for probation. The desistance paradigm offers an alternative to risk-driven probation strategies; it emphasizes the importance of informal social control mechanisms, in particular the relationship that develops between probation officers and clients. This new approach to probation deserves careful scrutiny, field testing, and rigorous evaluation review.

By definition, evidence-based policy and evidence-based practice need to be derived from a sound body of evaluation research. For traditional, mainstream probation, this body of empirical research does not yet exist. It is in this context that I argue that the development and dissemination of principles of evidence-based probation practice is premature, and potentially counterproductive. My review of the available research on the three targeting dimensions I reviewed here — high risk times, high risk offenders, and high risk locations—underscore this point. In each of these areas, the necessary research on the impact of time-specific, offender-specific, and location-specific intervention strategies has not been conducted. While we should continue to evaluate risk-driven probation initiatives, there are other strategies for organizing probation services that need to be implemented and evaluated, in particular the recent efforts by Fergus McNeil, Stephan Farrall, Claire Lightowler, Shadd Maruna, and others to implement the key dimensions of desistance-focused probation practice in Scotland and Northern Ireland (McNeill, Farrall, Lightowler and Maruna, 2012)..

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