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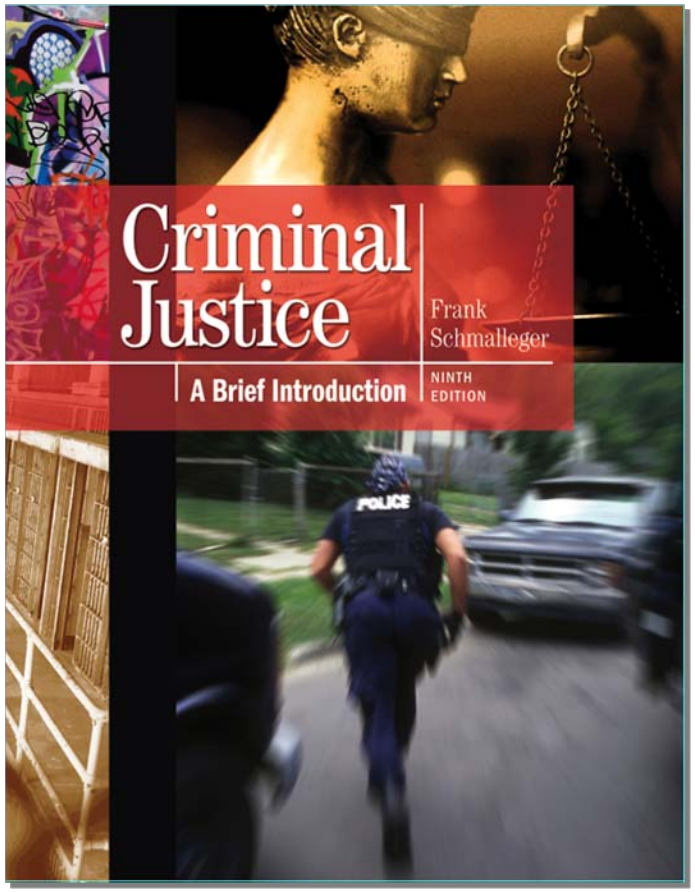

Criminal Justice: A Brief Introduction

Ninth Edition

By Frank Schmalleger

Chapter 10

Probation, Parole, and Community Corrections

Pearson Education, Inc.

What is Probation?

- **Community Corrections**
  - The use of a variety of officially ordered program-based sanctions that permit convicted offenders to remain in the community under conditional supervision
- **Probation**
  - A sentence of imprisonment that is suspended
- Today, probation is the most common form of criminal sentencing in the United States
- Almost 4.3 million offenders

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Probation Conditions

- Two types
  - General and specific
    - General conditions apply to all probationers in a given jurisdiction
    - Special conditions may be mandated by the judge who feels that the probationer is in need of particular guidance or control

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What is Parole?

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

- **Prisoner Reentry**
  - The managed return to the community of individuals released from prison

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What is Parole?

- Two major models of parole decision-making
  - **Parole Boards**
    - A state paroling authority that grant parole based on the board members' judgment and assessment
  - Statutory decrees
    - Mandatory release
- **Discretionary Release**
  - The release of an inmate from prison to supervision that is decided by a parole board or other authority

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The Extent of Parole

- About 25% of inmates who are freed from prison are still paroled by a paroling authority
- **Mandatory Release**
  - The release of an inmate from prison that is determined by statute or sentencing guidelines and not decided by a parole board or other authority
- Nationwide, approximately 49% of parolees successfully complete parole

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Parole Conditions

- **Conditions of Parole**
  - The general and specific limits imposed on an offender who is released on parole
  - Very similar to conditions of probation
- **Parole Violation**
  - An act or failure to act by a parolee that does not conform to the conditions of parole
- **Parole Revocation**
  - The administrative action of removing a person from parole in response to a violation of conditions

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Probation and Parole: The Pluses and Minuses

- Advantages of Probation and Parole
  - Lower costs
  - Increased employment
  - Restitution
  - Community support
  - Reduced risk of criminal socialization
  - Increased use of community services
  - Increased opportunity for rehabilitation

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Disadvantages of Probation and Parole

- Relative lack of punishment
- Increased risk to the community
- Increased social costs

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The Legal Environment

- Griffin v. Wisconsin (1987)
- Pennsylvania Board of Probation and Parole v. Scott (1998)
- **Revocation Hearing**
  - A hearing geld before a legally constituted hearing body to determine whether a parolee or probationer has violated the conditions and requirements of parole or probation
- About 25% of probationers and 26% of parolees have their conditional release revoked

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The Legal Environment

- **Conditional Release**
  - The release of an inmate from prison to community supervision with a set of conditions for remaining on parole
- Most frequent violations for which revocation occurs
  - Failure to report as required
  - Failure to participate in treatment programs
  - Alcohol or drug abuse while under supervision

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The Job of Probation and Parole Officers

- Job descriptions
- Four primary functions
  - Presentence investigations
  - Intake procedures
  - Diagnosis and needs assessment
  - Client supervision

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The Challenges of the Job

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

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The Challenges of the Job

- Correctional model
  - Emphasizes community protection
  - Careful and close supervision
  - Periodically visit clients at home and at work
  - Willing to report clients for new offenses and violations of the conditions
- Large **caseloads**
  - The number of probation or parole clients assigned to one probation or parole officer for supervision

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Intermediate Sanctions

- **Intermediate Sanctions**
  - The use of split sentencing, shock probation or parole, chock incarceration, mixed sentencing, in lieu of more traditional sanctions
- Three distinct advantages
  - Less expensive to operate per offender
  - Socially cost-effective by keeping the offender in the community
  - Provide flexibility in terms of resources

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Intermediate Sanctions

- **Split Sentence**
- A sentence explicitly requiring the convicted offender to serve a period of confinement followed by a period of probation
- **Shock Probation**
  - Offender serves a relatively short period of time in custody and is released to probation
  - Clients must apply for probationary release

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Intermediate Sanctions

- **Shock Incarceration**
  - Sentencing option that makes use of “boot camp” – type prisons
- **Recidivism**
  - The repetition of criminal behavior
- **Mixed Sentence**
  - A sentence that requires that a convicted offender serve weekends in a confinement facility

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Intermediate Sanctions

- **Community Service**
  - Sentencing alternative that requires offenders to spend at least part of their time working for a community agency
- **Intensive Probation Supervision (IPS)**
  - A form of probation supervision involving frequent face-to-face contact between the probationer and the probation officer
- Georgia was the first to implement IPS

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Intermediate Sanctions

- **Home Confinement**
  - House arrest
- **Remote Location Monitoring**
  - Supervision strategy that uses electronic technology to track offenders who are sentenced to house arrest
- Three components of federal home confinement
  - Curfew
  - Home detention
  - Home incarceration

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The Future of Probation and Parole

- Parole was widely criticized during the 1980s and 1990s by citizen groups that claimed that it unfairly reduces prison sentences imposed on serious offenders

- Seventy percent of parole violators in prison were arrested or were convicted of new offenses while on parole

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Changes in Reentry Policies

- Almost two out of every three people released from prison are rearrested within three years of their release
- 75% of those released from prison or jail have a history of substance abuse
- Two-thirds have no high school diploma
- Nearly half of those leaving jail earned less than $600 per month immediately prior to incarceration

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Changes in Reentry Policies

- More than on third of jail inmates have physical or mental disability
- Rate of serious mental illness among released inmates is at least three times higher than the rate of mental illness among the general population
- Serious Violent Offender Reentry Initiative (SVORI)
  - Geared toward serious and violent offenders
  - Attempts to reduced likelihood of reincarceration

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Changes in Reentry Policies

- SVORI phases
  - Phase 1
    - Protect and Prepare: Institution-Based Programs
  - Phase 2
    - Control and Restore: Community-Based Transition Programs
  - Phase 3
    - Sustain and Support: Community-Based Long-Term Support Programs

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The Reinvention of Probation

- Rehabilitative ideal is far less popular today than it has been in the past

- Probation advocates have been forced to admit that it is not a very powerful deterrent because it is far less punishing than a term of imprisonment

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