

Approved: \_\_\_\_\_  
Date

MINUTES OF THE HOUSE CORRECTIONS AND JUVENILE JUSTICE COMMITTEE

The meeting was called to order by Chairman Pat Colloton at 1:30 p.m. on February 8, 2010, in Room 144-S of the Capitol.

All members were present.

Committee staff present:

Sean Ostrow, Office of the Revisor of Statutes  
Jason Thompson, Office of the Revisor of Statutes  
Athena Andaya, Kansas Legislative Research Department  
Jerry Donaldson, Kansas Legislative Research Department  
Jackie Lunn, Committee Assistant

Conferees appearing before the Committee:

Others attending:

See attached list.

**HB 2518 - Proportionality of sentencing; merging the drug and nondrug sentencing grids.**

Chairperson Colloton called the meeting to order and announced if time permitted, the Committee would be taking action on some of the parole bills that were heard yesterday after they work **HB 2518**.

Chairperson Colloton opened the floor for the consideration of **HB 2518**.

**Representative Bethell made a motion to move HB2518 out favorably for passage. Representative McCray-Miller seconded.**

A discussion followed.

**Representative Spalding made a motion to strike the language at the bottom of Page 21, lines 38 through 43 and at the top of Page 22, lines 1 and 2. Representative Pauls seconded. (Attachment 1)**

Representative Spalding explained her reasons for the changes. **Motion carried**

Chairperson Colloton called on Jason Thompson, Office of the Revisor of Statutes, to explain the technical cleanup amendment on the bill. Mr. Thompson presented a written copy of the changes for the Committee. (Attachment 2) and (Attachment 3)

**Representative Brookens made a motion to accept the balloon offered on the bill by Jason Thompson. Representative Bethell seconded.**

A discussion followed.

**Chairperson Colloton called for a vote on the motion on the floor. Motion carried.**

Chairperson Colloton moved the Committee's attention back on the bill.

**Representative Bethell made a motion to accept both amendments on the bill and pass it out favorably as amended. Representative Frownfelter seconded.**

A lengthy discussion followed.

**Chairperson Colloton called for a vote on the motion on the floor. Motion carried.**

Chairperson Colloton moved the Committee's attention to **HB 2506** and opened the floor for consideration.

**HB 2506 - Requiring the parole board to weigh the proportionality of a crime committed prior to July**

CONTINUATION SHEET

Minutes of the House Corrections and Juvenile Justice Committee at 1:30 p.m. on February 8, 2010, in Room 144-S of the Capitol.

**1, 1993, to the sentence for the same crime under the new guidelines.**

Chairperson Colloton explained the bill to the Committee.

**Representative Kinzer moved to pass HB 2506 out favorably. Representative McCray-Miller seconded.**

A discussion followed.

Chairperson Colloton called for a vote on the motion on the floor. **Motion carried.**

Next, Chairperson Colloton called the Committee's attention to **HB 2508** and opened the floor for consideration.

**HB 2508 - Shortening the length of deferral time for certain inmates' parole hearings to five years and requiring review of inmates on a 10 year deferral.**

Chairperson Colloton called on Jason Thompson, Office of the Revisor of Statutes, to explain the technical amendment on bill to the Committee. Mr. Thompson stated on page 7, line 42, 10 years was being changed to 5 years.

Chairperson Colloton opened the discussion referring the Committee to handouts from the Parole Board regarding a request for additional information during the hearing on **HB 2508**. *Putting Public Safety First (Attachment 4)* and *An Evolving Field (Attachment 5)*

**Representative Pauls made a motion to pass the bill out favorably for passage. Representative Roth seconded.**

A discussion followed. It was noted that the Parole Board is neutral on this bill. Ms. Biggs joined the discussion to clarify some of the questions of the Committee. The discussion continued.

**Representative Brookens made a motion to change on Page 7, line 42 , 5 years back to 10 years. Representative Roth seconded. Motion carried.**

A discussion followed.

**Representative Roth made a motion to pass the bill out favorably as amended for passage. Representative Brookens seconded. Motion carried.**

Chairperson Colloton moved the Committee's attention to **HB 2509** for consideration.

**HB 2509 - Sub for H 2509 by Committee on Corrections and Juvenile Justice - Providing the procedure by which the secretary of corrections refers a potential sexually violent predator to the multi disciplinary team for analysis and a determination of placement.**

A discussion followed with Patti Biggs, Parole Board, explaining the balloon offered by the Kansas Department of Corrections.

**Representative Spalding moved for a substitute bill adopting the balloon and be passed out favorably for passage. Representative Pauls seconded. Motion carried.**

Chairperson Colloton adjourned the meeting at 2:50 p.m. with the next meeting scheduled for February 9, 2010 at 1:30 p.m. in room 144S.



## HOUSE BILL No. 2518

By Joint Committee on Corrections and Juvenile Justice Oversight

1-22

HB2518-Balloon-Presumption.pdf  
RS - JThompson - 02/08/10

Corrections and Juvenile Justice  
Date: 2-8-10  
Attachment # 1

9  
10 AN ACT concerning crimes, punishment and criminal procedure;  
11 amending K.S.A. 9-2012, 16-305, 17-12a508, 17-1311a, 19-3519, 21-  
12 2511, 21-3301, 21-3302, 21-3303, 21-3437, 21-3701, 21-3704, 21-3707,  
13 21-3720, 21-3729, 21-3734, 21-3761, 21-3763, 21-3846, 21-3902, 21-  
14 3904, 21-3905, 21-3910, 21-4018, 21-4111, 21-4503a, 21-4638, 21-  
15 4643, 21-4703, 21-4706, 21-4707, 21-4709, 21-4710, 21-4711, 21-4720,  
16 21-4722, 22-2908, 22-3303, 22-4906, 39-720 and 65-2859 and K.S.A.  
17 2009 Supp. 21-36a01, 21-36a03, 21-36a05, 21-36a06, 21-36a07, 21-  
18 36a08, 21-36a09, 21-36a10, 21-36a13, 21-36a14, 21-36a16, 21-4603d,  
19 21-4611, 21-4619, 21-4704, 21-4717, 21-4729, 22-2802, 22-3412, 22-  
20 3604, 22-3716, 22-3717, 38-2346, 38-2347, 38-2369, 38-2374, 38-2376,  
21 38-2377, 39-717, 40-247, 40-2,118, 40-5013, 44-5,125, 44-719, 47-  
22 1827, 65-4167, 74-9101 and 75-5291 and repealing the existing sec-  
23 tions; also repealing K.S.A. 21-4724 and K.S.A. 2009 Supp. 21-4705  
24 and 21-4708.

25  
26 *Be it enacted by the Legislature of the State of Kansas:*

27 Section 1. K.S.A. 9-2012 is hereby amended to read as follows: 9-  
28 2012. ~~Every~~ (a) *It shall be unlawful for a president, director, cashier,*  
29 *assistant cashier, teller, clerk, officer or agent of any bank or trust com-*  
30 *pany who embezzles, abstracts with the intent to injure, defraud or de-*  
31 *ceive any individual, bank, trust company, business entity or agent ap-*  
32 *pointed to examine the affairs of the bank or trust company to:*

33 (1) ~~Embezzle, abstract or willfully misapplies~~ *misapply* any of the  
34 moneys, funds, securities or credits of the bank or trust company; ~~or who~~  
35 ~~issues or puts;~~

36 (2) ~~issue or put~~ *draw* forth any certificate of deposit, ~~draws~~ *draw* any draft  
37 or bill of exchange, ~~makes~~ *make* any acceptance, ~~assigns~~ *assign* any note,  
38 bond, draft, bill of exchange, ~~or who makes; or~~

39 (3) ~~make use of the name of the bank or trust company in any manner;~~  
40 ~~with intent in either case to injure or defraud the bank or trust company~~  
41 ~~or any individual, person, partnership, company or corporation, or to de-~~  
42 ~~ceive any officer of the bank or trust company or any agent appointed to~~  
43 ~~examine the affairs of the bank or trust company, and any person who~~

1 65-4107, and amendments thereto.

2 (c) The provisions of subsection (d) of K.S.A. 21-3301, and amend-  
3 ments thereto, shall not apply to a violation of attempting to unlawfully  
4 manufacture any controlled substance pursuant to this section.

5 ~~(e)~~ (d) For persons arrested and charged under this section, bail shall  
6 be at least \$50,000 cash or surety, unless the court determines, on the  
7 record, that the defendant is not likely to re-offend, the court imposes  
8 pretrial supervision, or the defendant agrees to participate in a licensed  
9 or certified drug treatment program.

10 ~~(d)~~ (e) The sentence of a person who violates this section shall not be  
11 subject to statutory provisions for suspended sentence, community serv-  
12 ice work or probation.

13 ~~(e)~~ (f) The sentence of a person who violates this section or K.S.A.  
14 65-4159, prior to its repeal, shall not be reduced because these sections  
15 prohibit conduct identical to that prohibited by K.S.A. 65-4161 or 65-  
16 4163, prior to such sections repeal, or K.S.A. 2009 Supp. 21-36a05, and  
17 amendments thereto.

18 Sec. 13. K.S.A. 2009 Supp. 21-36a05 is hereby amended to read as  
19 follows: 21-36a05. (a) It shall be unlawful for any person to cultivate,  
20 distribute or possess with the intent to distribute any of the following  
21 controlled substances or controlled substance analogs thereof:

22 (1) Opiates, opium or narcotic drugs, or any stimulant designated in  
23 subsection (d)(1), (d)(3) or (f)(1) of K.S.A. 65-4107, and amendments  
24 thereto;

25 (2) any depressant designated in subsection (e) of K.S.A. 65-4105,  
26 subsection (e) of K.S.A. 65-4107, subsection (b) or (c) of K.S.A. 65-4109  
27 or subsection (b) of K.S.A. 65-4111, and amendments thereto;

28 (3) any stimulant designated in subsection (f) of K.S.A. 65-4105, sub-  
29 section (d)(2), (d)(4) or (f)(2) of K.S.A. 65-4107 or subsection (e) of K.S.A.  
30 65-4109, and amendments thereto;

31 (4) any hallucinogenic drug designated in subsection (d) of K.S.A. 65-  
32 4105, subsection (g) of K.S.A. 65-4107 or subsection (g) of K.S.A. 65-  
33 4109, and amendments thereto;

34 (5) any substance designated in subsection (g) of K.S.A. 65-4105 and  
35 subsection (c), (d), (e), (f) or (g) of K.S.A. 65-4111, and amendments  
36 thereto; or

37 (6) any anabolic steroids as defined in subsection (f) of K.S.A. 65-  
38 4109, and amendments thereto.

39 (b) It shall be unlawful for any person to distribute or possess with  
40 the intent to distribute a controlled substance or a controlled substance  
41 analog designated in K.S.A. 65-4113, and amendments thereto.

42 ~~(e)(1) Violation of subsection (a) is a drug severity level 3 felony;~~  
43 ~~except that:~~

- 1 ~~—(A) Violation of subsection (a) on or within 1,000 feet of any school~~  
2 ~~property is a drug severity level 2 felony;~~  
3 ~~—(B) violation of subsection (a)(1) is a drug severity level 2 felony if~~  
4 ~~that person has one prior conviction under subsection (a)(1), under K.S.A.~~  
5 ~~65-4161 prior to its repeal, or under a substantially similar offense from~~  
6 ~~another jurisdiction; and~~  
7 ~~—(C) violation of subsection (a)(1) is a drug severity level 1 felony if~~  
8 ~~that person has two prior convictions under subsection (a)(1), under~~  
9 ~~K.S.A. 65-4161 prior to its repeal, or under a substantially similar offense~~  
10 ~~from another jurisdiction.~~  
11 ~~—(2) Violation of subsection (b) is a class A nonperson misdemeanor,~~  
12 ~~except that, violation of subsection (b) is a drug severity level 4 felony if~~  
13 ~~the substance was distributed to or possessed with the intent to distribute~~  
14 ~~to a child under 18 years of age.~~  
15 ~~—(d) It shall not be a defense to charges arising under this section that~~  
16 ~~the defendant was acting in an agency relationship on behalf of any other~~  
17 ~~party in a transaction involving a controlled substance.~~  
18 *(c) It shall be unlawful for any person to cultivate any controlled*  
19 *substance or controlled substance analog designated in subsection (a).*  
20 *(d) (1) Except as provided further, violation of subsection (a) is a:*  
21 *(A) Severity level 7, nonperson felony if the quantity of the material*  
22 *is less than 3.5 grams;*  
23 *(B) severity level 6, nonperson felony if the quantity of the material*  
24 *is 3.5 grams or more but less than 100 grams;*  
25 *(C) severity level 4, nonperson felony if the quantity of the material*  
26 *is 100 grams or more but less than 1 kilogram; and*  
27 *(D) severity level 2, person felony if the quantity of the material is 1*  
28 *kilogram or more.*  
29 *(2) Except as provided further, violation of subsection (a), with re-*  
30 *spect to material containing any quantity of marijuana, or an analog*  
31 *thereof, is a:*  
32 *(A) Severity level 7, nonperson felony if the quantity of the material*  
33 *is less than 25 grams;*  
34 *(B) severity level 6, nonperson felony if the quantity of the material*  
35 *is 25 grams or more but less than 450 grams;*  
36 *(C) severity level 4, nonperson felony if the quantity of the material*  
37 *is 450 grams or more but less than 30 kilograms; and*  
38 *(D) severity level 2, nonperson felony if the quantity of the material*  
39 *is 30 kilograms or more.*  
40 *(3) Except as provided further, violation of subsection (a), with re-*  
41 *spect to material containing any quantity of heroin, or an analog thereof,*  
42 *is a:*  
43 *(A) Severity level 7, nonperson felony if the quantity of the material*

- 1 is 1 gram or less;
- 2 (B) severity level 6, nonperson felony if the quantity of the material
- 3 is more than 1 gram but less than 3.5 grams;
- 4 (C) severity level 4, nonperson felony if the quantity of the material
- 5 is 3.5 grams or more but less than 100 grams; and
- 6 (D) severity level 2, nonperson felony if the quantity of the material
- 7 is 100 grams or more.
- 8 (4) Except as provided further, violation of subsection (a), with re-
- 9 spect to material containing any quantity of a controlled substance or
- 10 controlled substance analog designated in K.S.A. 65-4105, 65-4107, 65-
- 11 4109 or 65-4111, and amendments thereto, distributed by dosage unit, is
- 12 a:
- 13 (A) Severity level 7, nonperson felony if the number of dosage units
- 14 is fewer than 10;
- 15 (B) severity level 6, nonperson felony if the number of dosage units
- 16 is 10 or more but fewer than 100;
- 17 (C) severity level 4, nonperson felony if the number of dosage units
- 18 is 100 or more but fewer than 1,000; and
- 19 (D) severity level 2, nonperson felony if the number of dosage units
- 20 is 1,000 or more.
- 21 (5) For any violation of subsection (a), the severity level of the offense
- 22 shall be increased one level if the offender is 18 or more years of age and
- 23 the controlled substance or controlled substance analog is distributed or
- 24 possessed with the intent to distribute to a minor, in the presence of a
- 25 minor or on or within 1,000 feet of any school property.
- 26 (6) (A) Except as provided further, violation of subsection (b) is a
- 27 class A nonperson misdemeanor.
- 28 (B) Violation of subsection (b) is a severity level 7, nonperson felony
- 29 if the substance is distributed to or possessed with the intent to distribute
- 30 to a minor.
- 31 (7) Violation of subsection (c) is a:
- 32 (A) Severity level 6, nonperson felony if the number of plants culti-
- 33 vated is greater than 4 but fewer than 50;
- 34 (B) severity level 4, nonperson felony if the number of plants culti-
- 35 vated is 50 or more but fewer than 100; and
- 36 (C) severity level 2, nonperson felony if the number of plants culti-
- 37 vated is 100 or more.
- 38 ~~(e) In any prosecution under this section, there shall be a rebuttable~~
- 39 ~~presumption of an intent to distribute if any person possesses the quan-~~
- 40 ~~tities of the following controlled substances or analogs thereof in the fol-~~
- 41 ~~lowing amounts:~~
- 42 ~~(1) 150 grams or more of marijuana;~~
- 43 ~~(2) 3.5 grams or more of heroin;~~


 Strike

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8-1

1 ~~(3) 100 dosage units or more containing a controlled substance, or~~  
 2 ~~(4) 100 grams or more of any other controlled substance.~~  
 3 (e) ~~(f)~~ It shall not be a defense to charges arising under this section that  
 4 the defendant:

5 (1) Is acting in an agency relationship on behalf of any other party  
 6 in a transaction involving a controlled substance;  
 7 (2) did not know the quantity of the controlled substance; or  
 8 (3) did not know the specific controlled substance contained in the  
 9 material that is distributed or possessed with the intent of distribution.

10 (f) ~~(g)~~ As used in this section:

11 (1) "Material" means the total amount of any substance, including a  
 12 compound or a mixture, which contains any quantity of a controlled  
 13 substance.

14 (2) "Dosage unit" means a controlled substance distributed or pos-  
 15 sessed with the intent to distribute as a discrete unit, including, but not  
 16 limited to, one pill, one capsule or one microdot, and not distributed by  
 17 weight.

18 (A) For steroids, or controlled substances in liquid solution legally  
 19 manufactured for prescription use, "dosage unit" means the smallest med-  
 20 ically-approved dosage unit, as determined by the label, materials pro-  
 21 vided by the manufacturer, a prescribing authority, licensed health care  
 22 professional or other qualified health authority.

23 (B) Except as provided further, for illegally manufactured controlled  
 24 substances in liquid solution or controlled substances in liquid products  
 25 not intended for human ingestion, "dosage unit" means 10 milligrams,  
 26 including the liquid carrier medium for controlled substances.

27 (C) For lysergic acid diethylamide (LSD) in liquid form, a "dosage  
 28 unit" means .4 milligrams, including the liquid carrier medium.

29 Sec. 14. K.S.A. 2009 Supp. 21-36a06 is hereby amended to read as  
 30 follows: 21-36a06. (a) It shall be unlawful for any person to possess any  
 31 opiates, opium or narcotic drugs, or any stimulant designated in subsec-  
 32 tion (d)(1), (d)(3) or (f)(1) of K.S.A. 65-4107, and amendments thereto,  
 33 or a controlled substance analog thereof.

34 (b) It shall be unlawful for any person to possess any of the following  
 35 controlled substances or controlled substance analogs thereof:

36 (1) Any depressant designated in subsection (e) of K.S.A. 65-4105,  
 37 subsection (e) of K.S.A. 65-4107, subsection (b) or (c) of K.S.A. 65-4109  
 38 or subsection (b) of K.S.A. 65-4111, and amendments thereto;

39 (2) any stimulant designated in subsection (f) of K.S.A. 65-4105, sub-  
 40 section (d)(2), (d)(4) or (f)(2) of K.S.A. 65-4107 or subsection (e) of K.S.A.  
 41 65-4109, and amendments thereto;


42 (3) any hallucinogenic drug designated in subsection (d) of K.S.A. 65-  
 43 4105, subsection (g) of K.S.A. 65-4107 or subsection (g) of K.S.A. 65-

Strike



**MEMORANDUM**

**To:** Chairperson Colloton and Members of the  
House Corrections and Juvenile Justice Committee

**From:** Jason Thompson, Assistant Revisor 

**Date:** February 8, 2010

**Subject:** HB 2518-Balloon-Revisor

Below is a brief explanation of the amendments in "HB 2518-Balloon-Revisor.pdf."

- p. 7: Technical correction, 2007 to 2009.
- p. 18: Person felony should be nonperson felony, just like all other drug crimes.
- p. 37: Technical correction, 2007 to 2009.
- p. 69: Subsection (f)(2)(B) was inadvertently left out of the draft.
- p. 73: Current law, provision from K.S.A. 21-4705(c)(1), the drug grid, which is repealed in HB 2518.
- p. 74: Current law, provision from K.S.A. 21-4708(b)(2), related to drug grid, which is repealed in HB 2518.
- p. 86: Special bond provision for current drug severity level 4 offenses, preserved for felony violations of K.S.A. 2009 Supp. 21-36a06 (possession).

Corrections and Juvenile Justice  
Date: 2-8-10  
Attachment # 2

## HOUSE BILL No. 2518

By Joint Committee on Corrections and Juvenile Justice Oversight

1-22

HB2518-Balloon-Revisor.pdf  
RS - JThompson - 02/08/10

Corrections and Juvenile Justice  
Date: 2-8-10  
Attachment # 2

9  
10 AN ACT concerning crimes, punishment and criminal procedure;  
11 amending K.S.A. 9-2012, 16-305, 17-12a508, 17-1311a, 19-3519, 21-  
12 2511, 21-3301, 21-3302, 21-3303, 21-3437, 21-3701, 21-3704, 21-3707,  
13 21-3720, 21-3729, 21-3734, 21-3761, 21-3763, 21-3846, 21-3902, 21-  
14 3904, 21-3905, 21-3910, 21-4018, 21-4111, 21-4503a, 21-4638, 21-  
15 4643, 21-4703, 21-4706, 21-4707, 21-4709, 21-4710, 21-4711, 21-4720,  
16 21-4722, 22-2908, 22-3303, 22-4906, 39-720 and 65-2859 and K.S.A.  
17 2009 Supp. 21-36a01, 21-36a03, 21-36a05, 21-36a06, 21-36a07, 21-  
18 36a08, 21-36a09, 21-36a10, 21-36a13, 21-36a14, 21-36a16, 21-4603d,  
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21 38-2377, 39-717, 40-247, 40-2,118, 40-5013, 44-5,125, 44-719, 47-  
22 1827, 65-4167, 74-9101 and 75-5291 and repealing the existing sec-  
23 tions; also repealing K.S.A. 21-4724 and K.S.A. 2009 Supp. 21-4705  
24 and 21-4708.

25  
26 *Be it enacted by the Legislature of the State of Kansas:*

27 Section 1. K.S.A. 9-2012 is hereby amended to read as follows: 9-  
28 2012. ~~Every~~ (a) *It shall be unlawful for a president, director, cashier,*  
29 *assistant cashier, teller, clerk, officer or agent of any bank or trust com-*  
30 *pany who embezzles, abstracts with the intent to injure, defraud or de-*  
31 *ceive any individual, bank, trust company, business entity or agent ap-*  
32 *pointed to examine the affairs of the bank or trust company to:*

33 (1) *Embezzle, abstract or willfully misapplies misapply any of the*  
34 *moneys, funds, securities or credits of the bank or trust company, or who*  
35 *issues or puts;*

36 (2) *issue or put forth any certificate of deposit, draws draw any draft*  
37 *or bill of exchange, makes make any acceptance, assigns assign any note,*  
38 *bond, draft, bill of exchange, or who makes; or*

39 (3) *make use of the name of the bank or trust company in any manner;*  
40 *with intent in either case to injure or defraud the bank or trust company*  
41 *or any individual, person, partnership, company or corporation, or to de-*  
42 *ceive any officer of the bank or trust company or any agent appointed to*  
43 *examine the affairs of the bank or trust company, and any person who*

1 years of age; a violation of K.S.A. 21-3515, and amendments thereto,  
2 when one of the parties involved is less than 18 years of age; or a violation  
3 of K.S.A. 21-3517, and amendments thereto; including an attempt, con-  
4 spiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or  
5 21-3303 and amendments thereto, of any such offenses provided in this  
6 subsection regardless of the sentence imposed, shall be required to sub-  
7 mit specimens of blood or an oral or other biological sample authorized  
8 by the Kansas bureau of investigation to the Kansas bureau of investiga-  
9 tion in accordance with the provisions of this act, if such person is:

10 (1) Convicted as an adult or adjudicated as a juvenile offender be-  
11 cause of the commission of a crime specified in subsection (a) on or after  
12 the effective date of this act;

13 (2) ordered institutionalized as a result of being convicted as an adult  
14 or adjudicated as a juvenile offender because of the commission of a crime  
15 specified in subsection (a) on or after the effective date of this act; or

16 (3) convicted as an adult or adjudicated as a juvenile offender because  
17 of the commission of a crime specified in this subsection before the ef-  
18 fective date of this act and is presently confined as a result of such con-  
19 viction or adjudication in any state correctional facility or county jail or is  
20 presently serving a sentence under K.S.A. 21-4603, 21-4603d, 22-3717 or  
21 K.S.A. 2007 Supp. 38-2361, and amendments thereto.

22 (b) Notwithstanding any other provision of law, the Kansas bureau of  
23 investigation is authorized to obtain fingerprints and other identifiers for  
24 all persons, whether juveniles or adults, covered by this act.

25 (c) Any person required by paragraphs (a)(1) and (a)(2) to provide  
26 such specimen or sample shall be ordered by the court to have such  
27 specimen or sample collected within 10 days after sentencing or  
28 adjudication:

29 (1) If placed directly on probation, that person must provide such  
30 specimen or sample, at a collection site designated by the Kansas bureau  
31 of investigation. Collection of specimens shall be conducted by qualified  
32 volunteers, contractual personnel or employees designated by the Kansas  
33 bureau of investigation. Failure to cooperate with the collection of the  
34 specimens and any deliberate act by that person intended to impede,  
35 delay or stop the collection of the specimens shall be punishable as con-  
36 tempt of court and constitute grounds to revoke probation;

37 (2) if sentenced to the secretary of corrections, such specimen or  
38 sample will be obtained as soon as practical upon arrival at the correc-  
39 tional facility; or

40 (3) if a juvenile offender is placed in the custody of the commissioner  
41 of juvenile justice, in a youth residential facility or in a juvenile correc-  
42 tional facility, such specimen or sample will be obtained as soon as prac-  
43 tical upon arrival.

J-8

1 ~~(n)~~ (o) "Person" means individual, corporation, government or gov-  
 2 ernmental subdivision or agency, business trust, estate, trust, partnership,  
 3 association or any other legal entity.

4 ~~(e)~~ (p) "Poppy straw" means all parts, except the seeds, of the opium  
 5 poppy, after mowing.

6 ~~(p)~~ (q) "Possession" means having joint or exclusive control over an  
 7 item with knowledge of and intent to have such control or knowingly  
 8 keeping some item in a place where the person has some measure of  
 9 access and right of control.

10 (r) "Presence of a minor" means:

11 (1) A minor is within close proximity to the illegal activity;

12 (2) the illegal activity is conducted in a place where minors can rea-  
 13 sonably be expected to be present; or

14 (3) in the minor's dwelling.

15 This definition shall not be construed as requiring that a defendant  
 16 actually be aware of the presence of a minor or a minor actually be aware  
 17 of the illegal activity.

18 ~~(q)~~ (s) "School property" means property upon which is located a  
 19 structure used by a unified school district or an accredited nonpublic  
 20 school for student instruction or attendance or extracurricular activities  
 21 of pupils enrolled in kindergarten or any of the grades one through 12.  
 22 This definition shall not be construed as requiring that school be in session  
 23 or that classes are actually being held at the time of the offense or that  
 24 children must be present within the structure or on the property during  
 25 the time of any alleged criminal act. If the structure or property meets  
 26 the above definition, the actual use of that structure or property at the  
 27 time alleged shall not be a defense to the crime charged or the sentence  
 28 imposed.

29 ~~(t)~~ (t) "Simulated controlled substance" means any product which  
 30 identifies itself by a common name or slang term associated with a con-  
 31 trolled substance and which indicates on its label or accompanying pro-  
 32 motional material that the product simulates the effect of a controlled  
 33 substance.

34 Sec. 12. K.S.A. 2009 Supp. 21-36a03 is hereby amended to read as  
 35 follows: 21-36a03. (a) It shall be unlawful for any person to manufacture  
 36 any controlled substance or controlled substance analog.

37 ~~(b) Violation or attempted violation of subsection (a) is a drug severity~~  
 38 ~~level 1 felony.~~

39 (b) (1) Except as provided further, violation or attempted violation  
 40 of subsection (a) is a severity level 3, ~~person~~ felony.

41 (2) Violation of subsection (a) is a severity level 1, ~~person~~ felony if  
 42 such substance being manufactured or attempted to be manufactured is  
 43 any methamphetamine as defined by subsection (d)(3) or (f)(1) of K.S.A.

nonperson

nonperson

2-4

1 65-4107, and amendments thereto.

2 (c) The provisions of subsection (d) of K.S.A. 21-3301, and amend-  
3 ments thereto, shall not apply to a violation of attempting to unlawfully  
4 manufacture any controlled substance pursuant to this section.

5 ~~(e)~~ (d) For persons arrested and charged under this section, bail shall  
6 be at least \$50,000 cash or surety, unless the court determines, on the  
7 record, that the defendant is not likely to re-offend, the court imposes  
8 pretrial supervision, or the defendant agrees to participate in a licensed  
9 or certified drug treatment program.

10 ~~(d)~~ (e) The sentence of a person who violates this section shall not be  
11 subject to statutory provisions for suspended sentence, community serv-  
12 ice work or probation.

13 ~~(e)~~ (f) The sentence of a person who violates this section or K.S.A.  
14 65-4159, prior to its repeal, shall not be reduced because these sections  
15 prohibit conduct identical to that prohibited by K.S.A. 65-4161 or 65-  
16 4163, prior to such sections repeal, or K.S.A. 2009 Supp. 21-36a05, and  
17 amendments thereto.

18 Sec. 13. K.S.A. 2009 Supp. 21-36a05 is hereby amended to read as  
19 follows: 21-36a05. (a) It shall be unlawful for any person to ~~cultivate~~,  
20 distribute or possess with the intent to distribute any of the following  
21 controlled substances or controlled substance analogs thereof:

22 (1) Opiates, opium or narcotic drugs, or any stimulant designated in  
23 subsection (d)(1), (d)(3) or (f)(1) of K.S.A. 65-4107, and amendments  
24 thereto;

25 (2) any depressant designated in subsection (e) of K.S.A. 65-4105,  
26 subsection (e) of K.S.A. 65-4107, subsection (b) or (c) of K.S.A. 65-4109  
27 or subsection (b) of K.S.A. 65-4111, and amendments thereto;

28 (3) any stimulant designated in subsection (f) of K.S.A. 65-4105, sub-  
29 section (d)(2), (d)(4) or (f)(2) of K.S.A. 65-4107 or subsection (e) of K.S.A.  
30 65-4109, and amendments thereto;

31 (4) any hallucinogenic drug designated in subsection (d) of K.S.A. 65-  
32 4105, subsection (g) of K.S.A. 65-4107 or subsection (g) of K.S.A. 65-  
33 4109, and amendments thereto;

34 (5) any substance designated in subsection (g) of K.S.A. 65-4105 and  
35 subsection (c), (d), (e), (f) or (g) of K.S.A. 65-4111, and amendments  
36 thereto; or

37 (6) any anabolic steroids as defined in subsection (f) of K.S.A. 65-  
38 4109, and amendments thereto.

39 (b) It shall be unlawful for any person to distribute or possess with  
40 the intent to distribute a controlled substance or a controlled substance  
41 analog designated in K.S.A. 65-4113, and amendments thereto.

42 ~~(c) (1) Violation of subsection (a) is a drug severity level 3 felony,~~  
43 ~~except that:~~

25

1 (d) Nothing in this section shall be construed as limiting a represen-  
2 tative or member of a labor organization which represents or is seeking  
3 to represent the employees of the railroad, from conducting such business  
4 as provided under the railway labor act (45 U.S.C. 151, et seq.) and other  
5 federal labor laws.

6 (e) As used in this section "railroad property" includes, but is not  
7 limited to, any train, locomotive, railroad car, caboose, rail-mounted work  
8 equipment, rolling stock, work equipment, safety device, switch, elec-  
9 tronic signal, microwave communication equipment, connection, railroad  
10 track, rail, bridge, trestle, right-of-way or other property that is owned,  
11 leased, operated or possessed by a railroad company.

12 Sec. 29. K.S.A. 21-3763 is hereby amended to read as follows: 21-  
13 3763. (a) Counterfeiting is intentionally manufacturing, using, displaying,  
14 advertising, distributing, offering for sale, selling or possessing with intent  
15 to sell or distribute any item or services bearing or identified by a coun-  
16 terfeit mark.

17 (b) A person having possession, custody or control of more than 25  
18 items bearing a counterfeit mark shall be presumed to possess such items  
19 with intent to sell or distribute.

20 (c) Any state or federal certificate of registration of any intellectual  
21 property shall be prima facie evidence of the facts stated therein.

22 (d) As used in this section:

23 (1) "Counterfeit mark" means:

24 (A) Any unauthorized reproduction or copy of intellectual property;  
25 or

26 (B) intellectual property affixed to any item knowingly sold, offered  
27 for sale, manufactured or distributed, or identifying services offered or  
28 rendered, without the authority of the owner of the intellectual property.

29 (2) "Intellectual property" means any trademark, service mark or  
30 trade name as such terms are defined in K.S.A. ~~2007~~ Supp. 81-202, and  
31 amendments thereto.

32 (3) "Retail value" means the counterfeiter's regular selling price for  
33 the item or service bearing or identified by the counterfeit mark. In the  
34 case of items bearing a counterfeit mark which are components of a fin-  
35 ished product, the retail value shall be the counterfeiter's regular selling  
36 price of the finished product on or in which the component would be  
37 utilized.

38 (4) The quantity or retail value of items or services shall include the  
39 aggregate quantity or retail value of all items bearing, or services identi-  
40 fied by, every counterfeit mark the defendant manufactures, uses, dis-  
41 plays, advertises, distributes, offers for sale, sells or possesses.

42 (e) (1) *Except as provided further*, counterfeiting of the retail value  
43 of ~~less than \$1,000 is a class A nonperson misdemeanor.~~

2009

26

1 (b) The provisions of this section shall be applicable to the sentencing  
2 guidelines grid ~~for nondrug crimes~~. Sentences expressed in such grid  
3 represent months of imprisonment.

4 (c) The sentencing guidelines grid is a two-dimensional crime severity  
5 and criminal history classification tool. The grid's vertical axis is the crime  
6 severity scale which classifies current crimes of conviction. The grid's  
7 horizontal axis is the criminal history scale which classifies criminal  
8 histories.

9 (d) The sentencing guidelines grid ~~for nondrug crimes~~ as provided in  
10 this section defines presumptive punishments for felony convictions, sub-  
11 ject to judicial discretion to deviate for substantial and compelling reasons  
12 and impose a different sentence in recognition of aggravating and miti-  
13 gating factors as provided in this act. The appropriate punishment for a  
14 felony conviction should depend on the severity of the crime of conviction  
15 when compared to all other crimes and the offender's criminal history.

16 (e) (1) The sentencing court has discretion to sentence at any place  
17 within the sentencing range. The sentencing judge shall select the center  
18 of the range in the usual case and reserve the upper and lower limits for  
19 aggravating and mitigating factors insufficient to warrant a departure.

20 (2) In presumptive imprisonment cases, the sentencing court shall  
21 pronounce the complete sentence which shall include the prison sen-  
22 tence, the maximum potential reduction to such sentence as a result of  
23 good time and the period of postrelease supervision at the sentencing  
24 hearing. Failure to pronounce the period of postrelease supervision shall  
25 not negate the existence of such period of postrelease supervision.

26 (3) In presumptive nonprison cases, the sentencing court shall pro-  
27 nounce the prison sentence as well as the duration of the nonprison sanc-  
28 tion at the sentencing hearing.

29 (f) (1) Each grid block states the presumptive sentencing range for  
30 an offender whose crime of conviction and criminal history place such  
31 offender in that grid block. If an offense is classified in a grid block below  
32 the dispositional line, the presumptive disposition shall be  
33 nonimprisonment.

34 (2) (A) If an offense is classified in a grid block above the disposi-  
35 tional line, the presumptive disposition shall be imprisonment. If an of-  
36 fense is classified in grid blocks 5-H, 5-I or 6-G, the court may impose  
37 an optional nonprison sentence upon making the following findings on  
38 the record:

39 ~~(1)~~ (i) An appropriate treatment or behavior modification program  
40 exists which is likely to be more effective than the presumptive prison  
41 term in reducing the risk of offender recidivism; and

42 ~~(2)~~ (ii) the recommended ~~treatment~~ program is available and the of-  
43 fender can be admitted to such program within a reasonable period of

1 time; or

2 ~~(3)~~ (iii) the nonprison sanction will serve community safety interests  
3 by promoting offender reformation.

4 ~~(B)~~ Any decision made by the court regarding the imposition of an  
5 optional nonprison sentence if the offense is classified in grid blocks 5-  
6 H, 5-I or 6-G shall not be considered a departure and shall not be subject  
7 to appeal.

8 (g) The sentence for the violation of K.S.A. 21-3415, and amend-  
9 ments thereto, aggravated battery against a law enforcement officer com-  
10 mitted prior to July 1, 2006, or K.S.A. 21-3411, and amendments thereto,  
11 aggravated assault against a law enforcement officer, which places the  
12 defendant's sentence in grid block 6-H or 6-I shall be presumed impris-  
13 onment. The court may impose an optional nonprison sentence upon  
14 making a finding on the record that the nonprison sanction will serve  
15 community safety interests by promoting offender reformation. Any de-  
16 cision made by the court regarding the imposition of the optional non-  
17 prison sentence, if the offense is classified in grid block 6-H or 6-I, shall  
18 not be considered departure and shall not be subject to appeal.

19 (h) When a firearm is used to commit any person felony, the of-  
20 fender's sentence shall be presumed imprisonment. The court may im-  
21 pose an optional nonprison sentence upon making a finding on the record  
22 that the nonprison sanction will serve community safety interests by pro-  
23 moting offender reformation. Any decision made by the court regarding  
24 the imposition of the optional nonprison sentence shall not be considered  
25 a departure and shall not be subject to appeal.

26 (i) The sentence for the violation of the felony provision of K.S.A. 8-  
27 1567, subsection (b)(3) of K.S.A. 21-3412a, subsections (b)(3) and (b)(4)  
28 of K.S.A. 21-3710, K.S.A. 21-4310 and K.S.A. 21-4318, and amendments  
29 thereto, shall be as provided by the specific mandatory sentencing  
30 requirements of that section and shall not be subject to the provisions of  
31 this section or K.S.A. 21-4707 and amendments thereto. If because of the  
32 offender's criminal history classification the offender is subject to pre-  
33 sumptive imprisonment or if the judge departs from a presumptive pro-  
34 bation sentence and the offender is subject to imprisonment, the provi-  
35 sions of this section and K.S.A. 21-4707, and amendments thereto, shall  
36 apply and the offender shall not be subject to the mandatory sentence as  
37 provided in K.S.A. 21-3710, and amendments thereto. Notwithstanding  
38 the provisions of any other section, the term of imprisonment imposed  
39 for the violation of the felony provision of K.S.A. 8-1567, subsection (b)(3)  
40 of K.S.A. 21-3412a, subsections (b)(3) and (b)(4) of K.S.A. 21-3710,  
41 K.S.A. 21-4310 and K.S.A. 21-4318, and amendments thereto, shall not  
42 be served in a state facility in the custody of the secretary of corrections,  
43 except that the term of imprisonment for felony violations of K.S.A. 8-

(C)

(B) Any party requesting the nonprison sentence be served by attending and successfully completing a treatment or behavioral modification program shall notify the court and opposing counsel prior to sentencing of the proposed program. The presentence investigation report by the court services officer shall verify the availability of the program and the adequacy of the provider of such program and the treatment or behavioral modification plan.



1 be subject to appeal.

2 (r) *If an offender is convicted of a violation of article 36a of chapter*  
 3 *21 of the Kansas Statutes Annotated, and amendments thereto, and such*  
 4 *offender's crime of conviction and criminal history place such offender in*  
 5 *a grid block with a maximum presumptive sentence greater than 204*  
 6 *months, such offender shall not be sentenced to a term of imprisonment*  
 7 *greater than 204 months. Such sentence shall not be considered a depart-*  
 8 *ure and shall not be subject to appeal.*

9 (s) (1) *Subject to the provisions of subsection (r), the sentence for a*  
 10 *person who is convicted of a drug offense who has been convicted of:*

11 (A) *One prior drug offense, or any substantially similar offense from*  
 12 *another jurisdiction, shall be presumed imprisonment and may be up to*  
 13 *double the maximum duration of the presumptive imprisonment term; or*

14 (B) *two or more prior drug offenses, or any substantially similar of-*  
 15 *fense from another jurisdiction, shall be presumed imprisonment and may*  
 16 *be up to triple the maximum duration of the presumptive imprisonment*  
 17 *term.*

18 (2) *Such sentence shall not be considered a departure and shall not*  
 19 *be subject to appeal.*

20 (3) *As used in this subsection, "drug offense" means a violation of*  
 21 *subsection (d)(1)(B), (d)(1)(C), (d)(1)(D), (d)(2)(B), (d)(2)(C), (d)(2)(D),*  
 22 *(d)(3)(B), (d)(3)(C), (d)(3)(D), (d)(4)(B), (d)(4)(C), or (d)(4)(D) of K.S.A.*  
 23 *21-36a05, and amendments thereto.* ←

24 Sec. 45. K.S.A. 21-4706 is hereby amended to read as follows: 21-  
 25 4706. (a) For crimes committed on or after July 1, 1993, the sentences  
 26 of imprisonment shall represent the time a person shall actually serve,  
 27 subject to a reduction of up to 15% of the primary sentence for good  
 28 time as authorized by law. For crimes committed on or after January 1,  
 29 2008, the sentences of imprisonment shall represent the time a person  
 30 shall actually serve, subject to a reduction of up to 20% of the primary  
 31 sentence for good time for drug severity level 3 or 4, *prior to such level's*  
 32 *repeal, or non-drug severity level 7 through 10 crimes and a reduction for*  
 33 *program credit as authorized by K.S.A. 21-4722, and amendments*  
 34 *thereto.*

35 (b) The sentencing court shall pronounce sentence in all felony cases.

36 (c) Violations of K.S.A. 21-3401, 21-3439, 21-3449, 21-3450 and 21-  
 37 3801, and amendments thereto, are off-grid crimes for the purpose of  
 38 sentencing. Except as otherwise provided by K.S.A. 21-4622 through 21-  
 39 4627, and 21-4629 through 21-4631, and amendments thereto, the sen-  
 40 tence shall be imprisonment for life and shall not be subject to statutory  
 41 provisions for suspended sentence, community service or probation.

42 (d) As identified in K.S.A. 21-3447, 21-3502, 21-3504, 21-3506, 21-  
 43 3513 and 21-3516, and amendments thereto, if the offender is 18 years

(t) The sentencing court shall not distinguish between the controlled substances cocaine base (9041L000) and cocaine hydrochloride (9041L005) when sentencing within the sentencing range of the grid block.

6-9

1 of age or older and the victim is under 14 years of age, such violations  
 2 are off-grid crimes for the purposes of sentencing. Except as provided in  
 3 K.S.A. 21-4642, and amendments thereto, the sentence shall be impris-  
 4 onment for life pursuant to K.S.A. 21-4643, and amendments thereto.

5 Sec. 46. K.S.A. 21-4707 is hereby amended to read as follows: 21-  
 6 4707. (a) The crime severity scale contained in the sentencing guidelines  
 7 grid ~~for nondrug crimes~~ as provided in K.S.A. 21-4704 and amendments  
 8 thereto consists of 10 levels of crimes. Crimes listed within each level are  
 9 considered to be relatively equal in severity. Level 1 crimes are the most  
 10 severe crimes and level 10 crimes are the least severe crimes. If a person  
 11 is convicted of two or more crimes, then the severity level shall be de-  
 12 termined by the most severe crime of conviction.

13 (b) When the statutory definition of a crime includes a broad range  
 14 of criminal conduct, the crime may be subclassified factually in more than  
 15 one crime category to capture the full range of criminal conduct covered  
 16 by the crime.

17 (c) The provisions of this subsection shall be applicable with regard  
 18 to ranking offenses according to the crime severity scale as provided in  
 19 this section:

20 (1) When considering an unranked offense in relation to the crime  
 21 severity scale, the sentencing judge should refer to comparable offenses  
 22 on the crime severity scale.

23 (2) Except for off-grid felony crimes, which are classified as person  
 24 felonies, all felony crimes omitted from the crime severity scale shall be  
 25 considered nonperson felonies.

26 (3) All unclassified felonies shall be scored as level 10 nonperson  
 27 crimes.

28 (4) The offense severity level of a crime for which the court has ac-  
 29 cepted a plea of guilty or nolo contendere pursuant to K.S.A. 22-3210  
 30 and amendments thereto, or of a crime of which the defendant has been  
 31 convicted shall not be elevated or enhanced for sentencing purposes as a  
 32 result of the discovery of prior convictions or any other basis for such  
 33 enhancement subsequent to the acceptance of the plea or conviction. Any  
 34 such prior convictions discovered after the plea has been accepted by the  
 35 court shall be counted in the determination of the criminal history of the  
 36 offender.

37 Sec. 47. K.S.A. 21-4709 is hereby amended to read as follows: 21-  
 38 4709. The criminal history scale is represented in abbreviated form on  
 39 the horizontal axis of the sentencing guidelines grid ~~for nondrug crimes~~  
 40 ~~and the sentencing guidelines grid for drug crimes~~. The relative severity  
 41 of each criminal history category decreases from left to right on such grids  
 42 the grid. Criminal history category A is the most serious classification.  
 43 Criminal history category I is the least serious classification. The criminal

(d) No plea bargaining agreement may be entered into whereby the prosecutor agrees to decline to use a prior drug conviction of the defendant to elevate or enhance the severity level of a drug crime as provided in K.S.A. 2009 Supp. 21-36a03, 21-36a05 or 21-36a06, and amendments thereto, or agrees to exclude any prior conviction from the defendant's criminal history.

3-10

1 certified by the secretary of corrections to treat offenders pursuant to  
2 K.S.A. 2009 Supp. 75-52,144, and amendments thereto.

3 (h) (1) The following offenders who meet the requirements of sub-  
4 section (a) shall not be subject to the provisions of this section and shall  
5 be sentenced as otherwise provided by law:

6 (A) Offenders who are residents of another state and are returning  
7 to such state pursuant to the interstate corrections compact or the inter-  
8 state compact for adult offender supervision; or

9 (B) offenders who are not lawfully present in the United States and  
10 being detained for deportation.

11 (2) Such sentence shall not be considered a departure and shall not  
12 be subject to appeal.

13 Sec. 54. K.S.A. 2009 Supp. 22-2802 is hereby amended to read as  
14 follows: 22-2802. (1) Any person charged with a crime shall, at the per-  
15 son's first appearance before a magistrate, be ordered released pending  
16 preliminary examination or trial upon the execution of an appearance  
17 bond in an amount specified by the magistrate and sufficient to assure  
18 the appearance of such person before the magistrate when ordered and  
19 to assure the public safety. If the person is being bound over for a felony,  
20 the bond shall also be conditioned on the person's appearance in the  
21 district court or by way of a two-way electronic audio-video communi-  
22 cation as provided in subsection (14) at the time required by the court to  
23 answer the charge against such person and at any time thereafter that the  
24 court requires. Unless the magistrate makes a specific finding otherwise,  
25 if the person is being bonded out for a person felony or a person mis-  
26 demeanor, the bond shall be conditioned on the person being prohibited  
27 from having any contact with the alleged victim of such offense for a  
28 period of at least 72 hours. The magistrate may impose such of the fol-  
29 lowing additional conditions of release as will reasonably assure the ap-  
30 pearance of the person for preliminary examination or trial:

31 (a) Place the person in the custody of a designated person or organ-  
32 ization agreeing to supervise such person;

33 (b) place restrictions on the travel, association or place of abode of  
34 the person during the period of release;

35 (c) impose any other condition deemed reasonably necessary to as-  
36 sure appearance as required, including a condition requiring that the  
37 person return to custody during specified hours;

38 (d) place the person under a house arrest program pursuant to K.S.A.  
39 21-4603b, and amendments thereto; or

40 (e) place the person under the supervision of a court services officer  
41 responsible for monitoring the person's compliance with any conditions  
42 of release ordered by the magistrate.

43 (2) In addition to any conditions of release provided in subsection (1),

11-8

1 for any person charged with a felony, the magistrate may order such  
2 person to submit to a drug abuse examination and evaluation in a public  
3 or private treatment facility or state institution and, if determined by the  
4 head of such facility or institution that such person is a drug abuser or  
5 incapacitated by drugs, to submit to treatment for such drug abuse, as a  
6 condition of release.

7 (3) The appearance bond shall be executed with sufficient solvent  
8 sureties who are residents of the state of Kansas, unless the magistrate  
9 determines, in the exercise of such magistrate's discretion, that requiring  
10 sureties is not necessary to assure the appearance of the person at the  
11 time ordered.

12 (4) A deposit of cash in the amount of the bond may be made in lieu  
13 of the execution of the bond pursuant to paragraph (3). Except as pro-  
14 vided in paragraph (5), such deposit shall be in the full amount of the  
15 bond and in no event shall a deposit of cash in less than the full amount  
16 of bond be permitted. Any person charged with a crime who is released  
17 on a cash bond shall be entitled to a refund of all moneys paid for the  
18 cash bond, after deduction of any outstanding restitution, costs, fines and  
19 fees, after the final disposition of the criminal case if the person complies  
20 with all requirements to appear in court. The court may not exclude the  
21 option of posting bond pursuant to paragraph (3).

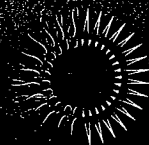
22 (5) Except as provided further, the amount of the appearance bond  
23 shall be the same whether executed as described in subsection (3) or  
24 posted with a deposit of cash as described in subsection (4). When the  
25 appearance bond has been set at \$2,500 or less and the most serious  
26 charge against the person is a misdemeanor, a severity level 8, 9 or 10  
27 nonperson felony, ~~a drug severity level 4 felony or a violation of K.S.A.~~  
28 ~~8-1567, and amendments thereto,~~ the magistrate may allow the person  
29 to deposit cash with the clerk in the amount of 10% of the bond, provided  
30 the person meets at least the following qualifications:

- 31 (A) Is a resident of the state of Kansas;  
32 (B) has a criminal history score category of G, H or I;  
33 (C) has no prior history of failure to appear for any court appearances;  
34 (D) has no detainer or hold from any other jurisdiction;  
35 (E) has not been extradited from, and is not awaiting extradition to,  
36 another state; and  
37 (F) has not been detained for an alleged violation of probation.

38 (6) In the discretion of the court, a person charged with a crime may  
39 be released upon the person's own recognizance by guaranteeing pay-  
40 ment of the amount of the bond for the person's failure to comply with  
41 all requirements to appear in court. The release of a person charged with  
42 a crime upon the person's own recognizance shall not require the deposit  
43 of any cash by the person.

1

or a felony violation of  
K.S.A. 2009 Supp.  
21-36a06, and  
amendments thereto,



THE  
**PEW**  
CENTER ON THE STATES

# Putting Public Safety First:

## 13 Strategies for Successful Supervision and Reentry

Public Safety Policy Brief

No. 7 | December 2008



### Executive Summary

**M**ore than five million people are under community supervision—either probation or parole—on any given day in the United States. Success rates among these offenders are not high: more than 40 percent of probationers and more than half of parolees do not complete their supervision terms successfully. In fact, parole violators account for almost 35 percent of admissions to state prisons, and nearly half of local jail inmates were on probation or parole when they were arrested.

High failure rates, the continued rise in prison costs, the release each year of more than 700,000 persons from confinement, and the mounting economic downturn—all of these trends present policy makers and corrections executives with a rare opportunity, even an imperative, to reform probation and parole in ways that will keep communities safe and save scarce public funds. Fortunately, decades of learning in the field and a growing research base has led to a consensus among many corrections professionals about what needs to be done to achieve better results.

That consensus is reflected in the 13 strategies presented here—strategies that can reduce recidivism and hold offenders accountable for their actions while also cutting substance abuse and unemployment, and restoring family bonds. Even modest reductions in recidivism will result in fewer crimes, fewer victims, and budget savings for states and localities. Given the sheer numbers of people on probation and parole and the cost to society of new crimes they commit, solid execution of these strategies by community supervision agencies could dramatically improve public safety and free corrections dollars for other pressing public priorities. ■

Corrections and Juvenile Justice

Public Safety Performance

Date: 8-8-10

Attachment # 4



The Pew Charitable Trusts  
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Washington, DC 20004-1409  
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#### ABOUT THIS BRIEF

In 2007, the JEHT Foundation, in collaboration with the National Institute of Corrections (NIC), asked the Urban Institute to convene two meetings with national experts on the topic of community supervision. The goal of these meetings was to articulate participants' collective best thinking on parole and probation, violation and revocation practices, and what contributes to effective community supervision. Over the course of these meetings, participants identified the supervision policies and strategies that would help policy makers and practitioners improve public safety and make the best use of taxpayers' dollars. The 13 strategies outlined in this brief are the result of these discussions and a review of the research literature. A longer paper, supported by the JEHT Foundation, NIC, and the Bureau of Justice Assistance, describes each of the 13 strategies in more detail. It also includes examples from the field, and is available at <http://www.urban.org/url.cfm?ID=411791>.

#### ABOUT THE AUTHORS

This document was written for the Pew Center on the States' Public Safety Performance Project by Amy L. Solomon, Jesse Jannetta, Brian Elderbroom, Laura Winterfield, and Jenny W.L. Osborne of the Urban Institute; Peggy Burke and Richard P. Stroker of the Center for Effective Public Policy; Edward E. Rhine of the Ohio Department of Rehabilitation and Correction; and William D. Burrell, a corrections management consultant.

#### ABOUT THE PROJECT

Launched in 2006 as a project of the Pew Center on the States, the Public Safety Performance Project seeks to help states advance fiscally sound, data-driven policies and practices in sentencing and corrections that protect public safety, hold offenders accountable, and control corrections costs.

The Pew Charitable Trusts applies the power of knowledge to solve today's most challenging problems. Our Pew Center on the States identifies and advances effective policy approaches to critical issues facing states.

## 1. Define Success as Recidivism Reduction and Measure Performance

Probation and parole agencies—like all agencies—should define their mission, be clear about criteria for success and set benchmarks for performance. Most practitioners would agree that public safety is, and always has been, an important goal of their agencies. But the typical strategies employed to accomplish that goal tend to focus on catching offenders when they do something wrong—“trail ‘em, nail ‘em and jail ‘em” as the saying goes.

Failing to define success as recidivism reduction, and holding supervision officers accountable to that standard, will result in a continued emphasis on “outputs” (such as the number of contacts probation officers have with their probationers), at the expense of the public safety outcomes that matter most. In order to accomplish their public safety mission, parole and probation agencies should adopt risk reduction and behavior change strategies and measure their performance against the standard of recidivism reduction, substance abuse, employment, victim restitution and other reintegration outcomes.

## 2. Tailor Conditions of Supervision

Probationers and parolees are often subject to a long, generic list of conditions of supervision that may be unrealistic for any individual to meet, let alone those struggling to hold a job, support their families and stay sober. Many in the field agree that conditions of release should instead reflect what Carl Wicklund, executive director of the American Probation and Parole Association, refers to as the “three R’s” of supervision conditions: Parole and probation conditions should be Realistic, Relevant, and Research-based. Realistic conditions are few in number and attainable, and include only those rules for which the agency is prepared to consistently hold supervisees accountable. Relevant conditions are tailored to the individual risks and needs most likely to result in new criminal behavior. Research-based conditions are supported by evidence that compliance with them will change behavior and result in improved public safety or reintegration outcomes.

## 3. Focus Resources on Higher Risk Offenders

Research has demonstrated that evidence-based interventions directed towards offenders with a moderate to high risk of committing new crimes will result in better outcomes for both offenders and the community. Conversely, treatment resources targeted to low-risk offenders produce little, if any, positive effect. In fact, despite the appealing logic of involving low-risk individuals in intensive programming to prevent them from graduating to more serious behavior, numerous studies show that certain programs may actually worsen their outcomes. By limiting supervision and services for low-risk offenders and focusing on those who present greater risk, parole and probation agencies can devote limited treatment and supervision resources where they will provide the most benefit to public safety.

## 4. Frontload Supervision Resources

Research clearly identifies the period immediately following release from prison and jail as a particularly high-risk time for offenders. Not only is the risk of new crimes greatest during this period, but offenders often have a heightened need for substance abuse treatment, mental health, housing and other services as well. Parole and probation agencies should respond by concentrating resources in the first few days and weeks of supervision, including reaching into correctional institutions to begin the case planning process for those who will be supervised after release.



Frontloading resources has the obvious benefit of providing oversight and treatment when it is most needed. It also helps identify the cases that warrant enhanced supervision and those that do not. Offenders who consistently meet parole and probation conditions may require less supervision later on, thus offsetting the cost of shifting resources upfront. Simply increasing surveillance without a strategy for addressing offenders' criminal risk factors, however, will most likely lead to finding more violations without affecting behavior change or preventing crime.

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### 5. Implement Earned Discharge

Providing incentives for meeting case-specific goals of supervision is a powerful tool to enhance individual motivation and promote positive behavior change. Many experts recommend a system of earned discharge whereby lower risk probationers and parolees can earn their way off supervision by adhering to specific goals and strict guidelines. An opportunity to reduce a term of supervision can be a strong incentive for offenders to meet supervision requirements, find and retain a job, stay sober or in treatment, and participate in the programs most likely to reduce recidivism. It also further helps supervision agencies frontload and concentrate their resources on higher-risk offenders.

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### 6. Supervise Offenders in Their Communities

In a system of place-based supervision, parole and probation officers have geographically-based caseloads and may have "satellite" offices located in the communities in which high concentrations of their supervisees live and work. By supervising offenders where they live, fostering relationships with those who know them best, and becoming familiar with local resources and high-risk areas, parole and probation officers are much better positioned to manage their caseloads. Further, organizing caseloads by neighborhood efficiently allocates scarce resources and reduces costly and time-consuming officer travel. This model contrasts sharply with the conventional model of "fortress" supervision, in which officers hunker down in large, centrally located headquarters and see offenders only from across a desk in the office environment.

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### 7. Engage Partners to Expand Intervention Capacity

Given the substantial treatment, health, housing, education and employment needs of parolees and probationers, it is essential for supervision agencies to partner with other organizations such as community health care providers, housing authorities, substance abuse treatment providers, mental health service providers, workforce development boards, faith-based organizations, and other community organizations. Jails and prisons also are critical partners, as

they typically gather information, assessments and program intervention information that will be critical to successful supervision. Greater coordination between such organizations will enhance the capacity of supervision agencies to help keep offenders crime- and drug-free.

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### 8. Assess Criminal Risk and Need Factors

Supervision agencies should use reliable assessment instruments to identify both risk and need factors and link the results to a supervision case plan. Assessment instruments analyze offenders' criminal histories in combination with their responses during structured interviews and produce a score that indicates whether they are at low, medium or high risk of reoffending. Research has shown that once these tools are scientifically validated for the specific offender populations to be supervised, they are far better than individual judgment at identifying risk levels and the attitudes and behaviors that drive offenders' criminal activity.

There is broad agreement among experts that such instruments should be used to determine the intensity of supervision and types of services that offenders receive. Some jurisdictions are beginning to use assessment tools prior to sentencing. This allows judges to use the instruments' predictive power to help make decisions about whether to sentence a defendant to incarceration or what conditions of probation to set. By identifying high-risk offenders, as well as those who may require minimal monitoring and intervention, assessment instruments serve as a guide for the efficient use of resources.

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### 9. Balance Surveillance and Treatment in Case Plans

Case plans should reflect individual criminal risk factors and treatment needs in addition to surveillance requirements and obligations to meet with the probation or parole officer. Research has repeatedly shown that a combination of surveillance and treatment is more effective at reducing recidivism than a singular reliance on monitoring and control alone. Cognitive-behavioral interventions, and certain community-based drug treatment, and education and job assistance programs have been proven to contribute to lower recidivism rates and should be considered in the development of supervision plans.

Ideally, supervision case plans will be built on empirical risk and need assessments, incorporate offender goals, enhance individual motivation, and consider the input of stakeholders such as corrections officials, law enforcement, victims, family members, and community-based service organizations. Assessment and case planning for offenders returning from prisons and jails should begin shortly after admission and be carefully coordinated with community supervision staff to assure more successful reentry.



## 10. Involve Offenders in the Supervision Process

Supervision should evolve from a contact-driven system to a behavioral management model in which the individual being supervised is an active participant in the development of the case plan. The results of the risk assessment will identify the key components of the plan, and the supervision officer is responsible for ensuring it protects the public and holds offenders accountable. But parolees and probationers also may have valuable input, especially on the sequencing of goals and the roles of family or clergy. As active participants in the process, they will feel an increased sense of accountability and motivation, resulting in better outcomes and greater public safety.

In this model, the routine interaction between parole and probation officers and their charges is itself an intervention. Officers can enhance offenders' engagement in the process of behavior change by clearly communicating conditions of supervision, reviewing assessment information and developing case plans with offenders, working with them to update and modify goals and supervision case plans as appropriate, and explaining the reasoning behind such adjustments.

## 11. Engage Informal Social Controls

Only a small fraction of an offender's time is spent interacting with his parole or probation officer, even under the most intensive supervision regimes. Practitioners and academics alike have long known that relationships with family, friends and employers are more effective than formal legal controls in promoting positive behavior change and reducing recidivism. In recognition of this, parole and probation officers should be encouraged to incorporate offenders' support networks into the assessment, case planning, and supervision process, and to be trained to recognize where these networks exist and how to engage them.

## 12. Use Incentives and Rewards

Research indicates that positive reinforcement, incentives and rewards are powerful tools in the supervision process. By employing them for progress, along with sanctions for violations, parole and probation officers can enhance offender motivation, support positive behavior change and reduce recidivism. Focusing on the gains that offenders have made can promote adherence to supervision conditions and encourage positive responses. Examples of incentives and rewards include awarding certificates of achievement, reducing reporting requirements, deferring a monthly payment, removing conditions (such as home detention or curfew), or asking the offender to be a "mentor" to others. Just as with sanctions, incentives and rewards should be provided with certainty and in a timely fashion to have the greatest impact on behavior change.

## 13. Respond to Violations with Swift and Certain Sanctions

Many parolees and probationers are sent to prison for technical violations of their supervision conditions, such as failing to attend drug treatment, rather than for committing a new criminal offense. Many of these violators can be held accountable in the community without compromising public safety, thus conserving prison beds for violent, serious and persistent offenders.

High-risk offenders who present a threat to the community should be returned to prison when they commit a serious violation or new crime. However, there are many probationers and parolees whose minor violations would be better and more cost-efficiently met with responses that are both proportional to the seriousness of the violation and address the situations that may have led to the behavior. Many jurisdictions have established guidelines that set out clear penalties—low intensity interventions like community service for minor violations and more restrictive options such as very short jail stays for serious infractions. The deterrent impact of the sanctions will be enhanced if they are imposed as quickly as possible after they are detected. For appropriate violations, certain, swift and graduated sanctions can be more effective at preventing relapse and future offending (and at the same time be less expensive) than revocation to prison.

## Conclusion

The 13 strategies presented here illustrate what evidence, research and practitioner expertise suggest probation and parole supervision should look like. Community supervision agencies may not be able to implement all of the strategies in the short run. Nor can agencies accomplish them on their own. They will need the support of leaders in the executive, legislative and judicial branches of government, as well as allied agencies, law enforcement and community organizations.

But getting supervision right requires a willingness to apply the 13 strategies through a multi-year effort. Adopted alone, each strategy will produce a positive but limited impact on recidivism and other key performance measures. Implemented together, they have the potential to yield valuable cost savings and transform community supervision into a powerful force for public safety. ■





# An Evolving Field

*Findings from the 2008  
Parole Practices Survey*

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THE URBAN INSTITUTE  
Justice Policy Center



**BJA**  
Bureau of Justice Assistance

Corrections and Juvenile Justice  
Date: 2-8-16  
Attachment # 2



# An Evolving Field

*Findings from the 2008  
Parole Practices Survey*

This project was supported by Grant No. 2005-RE-CX-K148 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime. Points of view or opinions in this document are those of the authors and do not represent the official position or policies of the United States Department of Justice.

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# Contents

FOREWORD	vii
ABOUT THE AUTHORS	ix
ACKNOWLEDGMENTS	xi
EXECUTIVE SUMMARY	1
1 INTRODUCTION	4
2 METHODOLOGY	8
Sample	8
Who Responded to the Survey?	9
Analyzing the Survey Results	10
3 NATIONAL PORTRAIT OF PAROLE PRACTICE	11
Administrator Background	12
Office Use of Evidence-Based Practices	13
Administrator Perceptions of the Agency Mission	15
Culture and Climate	16
Training and Resources to Support EBPs	17
Shared Responsibility for Release Plans and Setting Conditions	19
Practices Consistent with the 13 Strategies	21
Define Success as Recidivism Reduction and Measure Performance	21
Tailor Conditions of Supervision	23
Focus Resources on Moderate and High-Risk Parolees	23
Front-load Supervision Resources	25

## CONTENTS

Incorporate Incentives and Rewards into the Supervision Process and Implement Earned Discharge	25
Assigning Neighborhood-Based Supervision	27
Engage Partners to Expand Intervention Capacities	29
Assessing Criminogenic Risk and Needs Factors	31
Develop and Implement Supervision Case Plans that Balance Surveillance and Treatment	33
Involve Parolees to Enhance Their Engagement in the Assessment, Case Planning, and Supervision	34
Engage Informal Social Controls to Facilitate Community Reintegration	36
Employ Graduated, Problem-Solving Responses to Violations of Parole Conditions in a Swift and Certain Manner	38
<b>4 CONCLUSION</b>	<b>44</b>
<b>REFERENCES</b>	<b>48</b>
<b>APPENDIX A: PAROLE PRACTICES SURVEY FORM</b>	<b>50</b>
<b>APPENDIX B: RESPONSE RATES BY STATE</b>	<b>56</b>
<b>FIGURES</b>	
Figure 2.1. Field Office Responses to the 2008 Parole Practices Survey	9
Figure 3.1. Professional Backgrounds of Parole Office Administrators	12
Figure 3.2. Tenure of Parole Administrators	13
Figure 3.3. Parole Offices Reporting Use of Evidence-Based Practices	14
Figure 3.4. Degree of Emphasis on Evidence-Based Practices	14
Figure 3.5. Parole Administrators' Perceptions of Their Agency's Primary Mission	15
Figure 3.6. Perceptions of Parole Office Culture and Climate	16
Figure 3.7. Agencies Responsible for Developing Reentry Plans	20
Figure 3.8. Parole Agency Definitions of Recidivism	22
Figure 3.9. Percentage of Field Offices That Tailor Conditions of Parole Supervision	23
Figure 3.10. Percentage of Field Offices That Focus on High-Risk Parolees	24
Figure 3.11. Whether the Parole Office Makes an Effort to Front- Load Resources	26
Figure 3.12. Percentage of Parole Offices That Assign Officers to Specific Geographic Areas	28
Figure 3.13. Respondents' Frequency of Contact with Other Agencies and Organizations	30
Figure 3.14. Respondents' Satisfaction with Other Agencies and Organizations	31
Figure 3.15. Using Instruments to Assess Criminogenic Risk or Need Factors	32

## CONTENTS

Figure 3.16. Respondents' Knowledge of Whether the Assessment Instrument Has Been Validated	34
Figure 3.17. Whether Parole Offices Develop Plans That Balance Supervision with Treatment	35
Figure 3.18. Whether Field Offices Involve Parolees in Development of Supervision Goals and Case Plans	35
Figure 3.19. Percentage of Respondents Using Motivational Interviewing with Parolees	37
Figure 3.20. Percentage of Respondents Engaging Informal Social Controls	37
Figure 3.21. Violations Filed by Parole Offices	38
Figure 3.22. Available Sanctions for Responding to Technical Violations	39
Figure 3.23. Percentage of Respondents Using Sanctioning Grids or Guidelines	40
<b>TABLES</b>	
Table 2.1. Rate of Response to the 2008 Parole Practices Survey by Place Size and Crime Rate	10
Table 3.1. Percentage of Respondents Reporting Great or Very Great Emphasis on Evidence-Based Practice by Place Size	18
Table 3.2. Respondents' Views of Parole Office Culture and Climate by Place Size	19
Table 3.3. Respondents' Perceptions of the Adequacy of Training and Resources to Support Evidence-Based Practices	19
Table 3.4. Responsibility for Tracking Recidivism	21
Table 3.5. Incentives for Parolee Compliance	27
Table 3.6. Percentage of Respondents Who Believe That Collaboration Is Important to Achieving the Agency Mission	30
Table 3.7. Party Responsible for Determining Sanctions for Parole Infractions according to Respondents	41
<b>BOXES</b>	
Box 1. Evidence-Based Practices and Best Practices: What's the Difference?	6
Box 2. Variations in Parole Supervision Practice by Place Size	18
Box 3. Exemplar: The Jefferson Field Office, Georgia	41





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## Foreword

The supervision of individuals released from prison (parole supervision) should be the last formal contact an individual involved with the criminal justice system encounters. It also should be the final opportunity the system has to teach and instill the prosocial attitudes and behaviors and the skills necessary for individuals on parole to succeed in the community. For parole supervision to be truly and successfully the last criminal justice process a person released from prison experiences, our parole systems must be dedicated to and be well versed in practices that show the greatest promise for success of that individual and for long-term community safety. To date, the well-publicized results are disappointing. Too many people are returning to prison.

Why can't this vexing problem be fixed? Why does our system fail to effectively reduce crime and victimization? Why can't we stop the persistent flow of people re-entering our prisons? Certainly a lack of resources, growing caseloads, ever-expanding workloads, legislated practices and policies that are hastily conceived and contrary to research, and a workforce often not schooled in or oriented to effective intervention strategies have suppressed progress toward making parole supervision a triumphant last encounter. Nevertheless, these challenging (individually) and sometimes overwhelming (in total) adversities do not fully explain or excuse the lack of success in this supposed final encounter. None of the aforementioned obstacles, individually or collectively, can or should thwart a parole supervision agency from instituting practices and policies that promise greater success. There is hope to address the field's lack of accomplishment for positive outcomes with parole supervision.

In 2008, the Urban Institute published *Putting Public Safety First: 13 Parole Supervision Strategies to Enhance Reentry Outcomes*. This baker's dozen primer on practices and policies was created by an august group of practitioners and researchers who brought some of the best thinking, experience, and data to the table for inclusion in the document. The document was widely distributed and generally embraced by leaders in the field of parole (and probation). The strategies presented are all practical strategies that, with varying amounts of effort, can be implemented incrementally (some to a lesser or



## FOREWORD

greater degree). However, until *An Evolving Field* became available, the degree to which the field as a whole had embraced or implemented these strategies has been unknown. In short, is the field headed in the right direction and, if so, how far down the road has it gone?

*An Evolving Field* gives the field, policymakers and the public a bird's-eye view of the current state of parole supervision in the United States as it relates to how the "13 Strategies" are reflected in practices. Though the report was unable to drill down into verifiable implementation of these strategies or the quality of their implementation, it is nonetheless instructive and provides optimism that the field is heading in a direction aimed at improvement and success. Many offices report that they are using many of the strategies at least some of the time.

A caveat—this optimistic assessment is no reason to claim victory. Few agencies are attempting to implement all of the 13 Strategies. There are still many challenges and issues to overcome. Many field offices do not believe they are receiving the resources or support necessary to effectively implement many of the strategies. There are knowledge and skill gaps to be filled throughout the parole system. There are archaic mandates and policies to be addressed or overturned. There are public perceptions of a failed process fueled by less than flattering portrayals on television dramas and real cases gone wrong that must be altered to gain the public's confidence and, accordingly, their support (political, emotional, and financial).

But none of these aforementioned challenges should be an excuse for the field not to pursue implementing all of the 13 Strategies. The onus for this implementation falls on the shoulders of all involved with the parole process—line staff, supervisors, administrators, releasing authorities, community service providers, and policymakers. Leadership and dedication to the strategies and a successful parole supervision process must emerge from all levels of involvement. This report should give hope to all that parole is heading in the right direction while also serving as a report card on what is left to be implemented and accomplished.

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Laura Winterfield helped conceive the project and oversaw the design of the survey instrument. Sadly, Laura recently passed away. She is missed, as a colleague and as a friend.



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## Executive Summary

**P**arole supervision has been a somewhat overlooked field in recent years, even as the difficult challenges of prisoner reentry have attracted increasing attention.<sup>1</sup> Yet parole supervision is intimately connected to reentry. Most of those released from prison will be placed under parole supervision, and more than half will be reincarcerated within three years. Parole supervision can and should play an important role in facilitating the transition from prison to community, effecting positive behavioral change, and increasing public safety. To achieve these goals, however, parole agencies must systematically adopt the practices and policies that have been demonstrated to work.

To help move the field in that direction, the Urban Institute and its partners identified strategies for effective parole supervision. Those strategies, which emphasize evidence-based and best practices, were outlined in *Putting Public Safety First: 13 Parole Supervision Strategies to Enhance Reentry Outcomes* (2008),<sup>2</sup> a document that summarizes decades of research and learning in the field. Based on a comprehensive

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<sup>1</sup> Due to changes in correctional and sentencing policy, the term *parole* is no longer used universally to define a period of community supervision following a release from prison. In the interest of simplicity, this report uses the term *parole supervision* to refer to all systems of postprison supervision. Similarly, the term *parolees* is used to refer to the individuals supervised.

<sup>2</sup> Throughout the remainder of this report, these strategies, as defined in *Putting Public Safety First*, will be referred to as the "13 Strategies." *Putting Public Safety First* is available at <http://www.urban.org/publications/411800.html>.

## AN EVOLVING FIELD

review of existing research and the collective best thinking of a group of leading experts, the 13 Strategies provide a blueprint for the transformation of parole supervision. They address organizational and case-management policies and practices that cover virtually every aspect of supervision practice.

To examine more closely the current state of parole supervision, the Urban Institute conducted a survey of parole supervision field offices to assess the extent to which the 13 Strategies were reflected in current practice around the country. A survey was sent to 1,550 parole supervision field offices in the 50 states and the District of Columbia. Responses were received from 751 offices, a return rate of 49 percent. Responding offices were representative in geographic distribution, jurisdiction size and population, and local crime rates.

The survey covered characteristics of the field offices, backgrounds of the administrators, organizational climate and culture, collaboration, training, use and support of evidence-based practices (EBPs), and supervision policies and practices as they relate to the 13 Strategies.

The survey results and analysis include a number of key findings:

- *Reported use of and emphasis on evidence-based practices is widespread in parole.* Many offices report employing EBPs and emphasizing their use. While more detail on how EBPs are being implemented would be desirable, the results suggest that a consensus on the value of the general concept is emerging.
- *Many offices do not believe they are receiving the support they need to implement EBPs.* Slightly more than half of respondents indicated that the management of their agency is supportive of EBPs, and less than half reported getting the training, financial, and staff resources necessary to implement them effectively.
- *There is considerable uncertainty on what evidence-based practice means in parole.* No fewer than 15 percent of respondents answered "unsure" to every question involving EBPs. Thus, while the importance of EBPs is acknowledged in many parole supervision agencies, a number of parole practitioners remain unclear on the precise meaning of the term and which specific practices meet the definition.
- *Parole office culture matters.* Our analysis found that offices whose respondents characterized their offices positively on our six measures of office culture were also more likely to be employing the 13 Strategies identified in *Putting Public Safety First*.
- *Administrators with backgrounds in the social service professions are more likely to adopt EBPs and the 13 Strategies.* Experience in human service fields was correlated with implementation of EBPs and the 13 Strategies. Regardless of background, administrators who emphasize collaboration are more likely to have implemented EBPs and the strategies. These findings suggest that the field should emphasize interdisciplinary approaches and diversify its workforce to include more people with a background in the social and behavioral sciences.

- *Risk and need assessment and sanctioning grids have become common tools.* Our results show that more than half the respondents report that their parole office is using a sanctioning grid to determine responses to parole violations, and nearly two-thirds report always using risk or needs assessment instruments. These instruments are key tools in any administrator's toolkit and help ensure that major decisions are made based on evidence of what is effective. The prevalence of their use is very encouraging.
- *Rural and urban offices approach parole supervision and the implementation of the 13 Strategies differently.* Parole offices in less populated areas appear to emphasize interpersonal approaches such as balancing treatment and surveillance goals, whereas parole offices in more populous areas are more likely to report using organizational-level practices such as tracking recidivism rates. These differences may be a reflection of differences in the environments in which these offices operate, parole administrators' view of their agency's mission, or differences in organizational and community-based resources.
- *Parole supervision agencies are moving in the direction of the 13 Strategies.* Despite the fact that very few jurisdictions have implemented all 13 strategies identified in *Putting Public Safety First*, the field appears to be moving in that direction. On everything from tailoring conditions of supervision to place-based supervision, reported rates of use are encouraging. For most of the strategies, at least half the responding offices report using them "most of the time" or "always."

The survey findings have a number of implications for parole practitioners who are interested in advancing the 13 Strategies in their agencies. They must commit to the implementation of all the strategies. They should also build on the increasingly common organizational-level best practices such as risk and needs assessment and sanctioning grids and on case-management practices such as involving parolees in the supervision process, providing incentives and rewards, and engaging informal social controls.

In addition, executive leadership in parole supervision must champion the 13 Strategies. Administrators must facilitate that implementation throughout the organization and commit to its sustained practice. Most important, line staff must be brought on board so they will embrace the strategies and use them in their daily work with parolees. Once the strategies are implemented, they must be embedded in the organization through staff training, hiring and promotion of staff, and the development of an organizational culture that supports approaches to behavioral change and evidence-based practice. Finally, as more and more agencies begin to implement the strategies, it will be critical for the field to measure their implementation and evaluate their effectiveness in reducing recidivism.



## Introduction

**P**arole supervision matters. Much has been written about prisoner reentry and the cost of failing to reintegrate the hundreds of thousands of people who are released from prison each year. The role of parole supervision, which is intimately connected to prisoner reentry and the maintenance of public safety, has often been lost in that discussion. Yet the majority of prison releases, over 500,000 annually, are to parole supervision; just over 824,000 individuals were under parole supervision at the end of 2007 (Glaze and Bonczar 2008).

Parole supervision can, and should, be an integral part of delivering public safety for the community at large. In facilitating the transition from prison to community, parole supervision agencies can help parolees become productive citizens and reduce the harm they might cause by returning to crime, substance abuse, and other problematic behaviors. And they do return to those behaviors. More than two-thirds of those released from prison will be arrested, and more than half will be reincarcerated within three years (Langan and Levin 2002). To make matters worse, those who are released to parole supervision typically fare no better than those released without supervision (Solomon, Kachnowski, and Bhati 2005). Unable or unwilling to desist from crime, stay sober, secure a job, or find stable housing, many parolees will be returned to prison, at a tremendous cost to society.

Most states have not invested sufficiently in parole supervision or in the agencies that are responsible for protecting the general public and supervising individuals released

from prison. Incarceration costs nearly 10 times as much as community supervision, and the vast majority of corrections spending is devoted to prisons (Pew Center on the States 2009). Similarly, legislators, policymakers, and the media tend to pay greater attention to institutional corrections than to community supervision. Meanwhile, parole agencies are struggling to cope with increasingly large caseloads and limited financial and human resources.

In this environment, implementing even a modicum of change might seem daunting. Yet among those who practice and study parole supervision a consensus is emerging that the field must adopt new approaches if it is to accomplish its mission of protecting public safety and rehabilitating offenders. Specifically, there is broad agreement that the field should move toward models of behavioral change, including the adoption of evidence-based practices and other best practices. (See box 1 for a discussion of the distinction between EBPs and best practices.)

### **13 Parole Supervision Strategies to Enhance Reentry Outcomes**

In recent years, innovative and forward-thinking parole practitioners have begun to re-think and reform the way parole supervision is practiced in the United States. They have come to believe that parole supervision agencies should be striving to achieve positive behavioral change as a means to increase long-term public safety. They also believe that parole agencies should combine treatment and behavioral change interventions with surveillance and monitoring, because surveillance and monitoring have repeatedly been shown to have little or no impact on recidivism unless joined with such interventions (National Research Council 2007). This balanced approach draws on a growing body of research evidence as well as decades of learning in the field and represents the collective "best thinking" of a group of leading experts on parole supervision.

In collaboration with a group of leading practitioners, policymakers, and academics in the field of parole, the Urban Institute and its partners identified 13 strategies for effective community supervision. These strategies, consisting of both EBPs and best practices that help reduce recidivism, reflect this emerging expert consensus. Divided into organizational and case-management strategies in *Putting Public Safety First: 13 Parole Supervision Strategies to Enhance Reentry Outcomes* (Solomon et al. 2008), these practices have the potential for improving reentry outcomes, reducing recidivism, and transforming the practice of parole supervision:

#### Organizational Strategies

1. Define success as recidivism reduction and measure performance
2. Tailor conditions of supervision
3. Focus resources on moderate and high-risk parolees
4. Front-load supervision resources

### Box 1. EVIDENCE-BASED PRACTICES AND BEST PRACTICES: WHAT'S THE DIFFERENCE?

This report discusses findings on the use of both EBPs and best practices in current parole supervision. Both EBPs and best practices are contained among the 13 Strategies. These terms are often used interchangeably in the practitioner literature and discourse in community corrections, but there are important differences between them. To avoid contributing to this confusion, we describe these differences below.

#### Evidence-Based Practices

In the survey of parole practices, EBPs were defined as "practices that have been supported and verified by research to achieve desirable outcomes." This definition is consistent with several other definitions in the corrections literature such as "those initiatives, programs, or actions that research has shown to be effective" (Reentry Policy Council 2005) or "programs or practices that have proven to be successful through empirical research and have produced consistently positive results" (Yoon and Nickel, 2008). These are reasonably straightforward concepts—pairing a focus on intended outcomes with verification through empirical research—although there are varying standards of rigor for what qualifies as "research." In the context of the 13 Strategies, the primary outcome of interest is recidivism.

In 2004, the Crime and Justice Institute (CJI), through a cooperative agreement with the National Institute of Corrections, released the Integrated Model that identifies eight principles of effective community supervision that met their standard of being evidence-based (Bogue et al. 2004):

1. Assess actuarial risks and needs
2. Enhance intrinsic motivation
3. Target interventions
  - a. *Risk principle*: Prioritize supervision and treatment resources for higher-risk offenders
  - b. *Need principle*: Target interventions to criminogenic needs
  - c. *Responsivity principle*: Be responsive to temperament, learning style, motivation, culture, and gender when assigning programs
  - d. *Dosage*: Structure 40–70 percent of high-risk offenders' time for three to nine months
  - e. *Treatment*: Integrate treatment into the full sentence or sanction requirements
4. Skill train with directed practice (use cognitive behavioral treatment methods)
5. Increase positive reinforcement
6. Engage ongoing support in natural communities
7. Measure relevant processes and practices
8. Provide measurement feedback

#### Best Practices

A quick comparison will show that many of the 13 Strategies are based on the principles of evidence-based practice. The remainder would be more accurately termed "best practices." These practices—designed to augment the evidence-based strategies described by Bogue and colleagues—represent the consensus on sound practice of leading practitioners and researchers in the field.

Bogue et al. (2004, 2) compare best practices to EBPs by saying that "best practices do not necessarily imply attention to outcomes, evidence, or measurable standards. Best practices are

**Box 1. (CONTINUED)**

often based on the collective experience and wisdom of the field rather than scientifically tested knowledge." EBPs represent a subset of best practices that have been validated through the research process. A broad commitment to EBPs entails not only adopting practices that have been proven through research but also subjecting best practices and innovative approaches to rigorous empirical examination. In the future, those of the 13 Strategies that are not among EBPs should be subjected to careful evaluation to determine their effectiveness. As this is done, they will either join the ranks of EBPs or be classified as ineffective practices that should be abandoned.

5. Implement earned discharge
6. Implement place-based supervision
7. Engage partners to expand intervention capacities

## Case-Management Strategies

8. Assess criminogenic risk and need factors
9. Develop and implement supervision case plans that balance surveillance and treatment
10. Involve parolees to enhance their engagement in assessment, case planning, and supervision
11. Engage informal social controls to facilitate community reintegration
12. Incorporate incentives and rewards into the supervision process
13. Employ graduated problem-solving responses to violations of parole conditions in a swift and certain manner

## The Parole Practices Survey

The parole practices survey was designed to document the state of practice at the field office level and determine the extent to which parole practitioners are using EBPs and the 13 Strategies, and identify the organizational factors that might play a role in determining their use. The survey, administered to the field offices, contained questions on office structure, emphasis on EBPs, mission, collaboration, culture and climate, training and resources, responses to parole violations, and supervision policies and practices (see Appendix A for the full survey instrument). The results, detailed in this report, provide valuable insight into how parole is currently practiced and the degree to which practice is consistent with the 13 Strategies.<sup>3</sup>

<sup>3</sup>For more information on the strategies and the research evidence supporting them, readers should refer to *Putting Public Safety First* (<http://www.urban.org/publications/411800.html>).

# 2

## Methodology

The survey of parole practices was sent to 1,540 parole supervision field offices<sup>4</sup> in all 50 states and the District of Columbia in September 2008. It was addressed to the parole administrator in each office, and we requested one response per office.<sup>5</sup>

### Sample

To identify which parole supervision agencies fit the criteria for inclusion in this survey, we used the American Correctional Association's *2008–2009 Probation and Parole Directory*, a directory of field offices in the United States. Each field office that had not responded to the survey after two weeks was contacted at least once during the data collection process to encourage its participation. Ultimately, nearly half the sample—751 field offices<sup>6</sup>—completed and returned the survey. As described below, the responding offices were generally representative of the full sample in geography, city size, and crime rate. To add detail to these responses, we made follow-up calls to a selection of responding offices that reported using specific parole practices. Examples from these follow-up calls are presented along with the results on the 13 Strategies.

<sup>4</sup> Of an identified universe of 1,550 field offices.

<sup>5</sup> *Parole administrator* is used as a catch-all term for survey respondents who are responsible for field office operations. The actual job title of respondents varied from state to state.

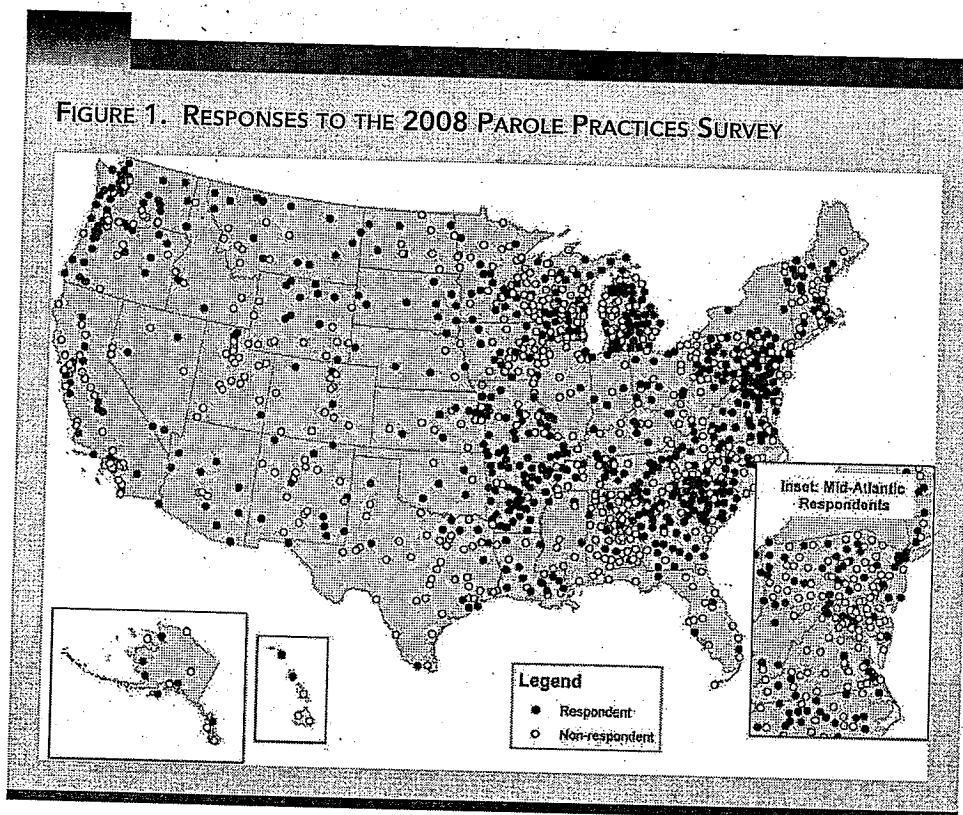
<sup>6</sup> In a few instances, regional parole offices responded to the survey for multiple field offices. Details are available on request from the authors.

## Who Responded to the Survey?

We received responses from 751 parole field offices in 49 states. In 26 states, at least 50 percent of the field offices responded. And in nine states (Arizona, Arkansas, Delaware, Indiana, Maine, Missouri, South Carolina, South Dakota, and Virginia) more than three-quarters of the field offices responded. Only offices in the District of Columbia and Rhode Island did not respond to the survey. Combined, these two jurisdictions contain a total of 10 parole field offices, less than 1 percent of the overall sample. Other states with response rates below 25 percent were Alabama, Florida, Minnesota, Mississippi, Texas, and Utah.

The total number of parole field offices relative to population varies greatly from state to state, so that some states with few parole offices had a low number of responses but a high response rate, and vice versa. For example, although we received only four responses from Florida but 17 from Minnesota, the states had roughly the same response rate. Figure 2.1 shows the parole field offices that responded to the survey and those that did not. Appendix B gives the state-by-state response rates.

Field offices were categorized according to the size of the city in which they were located. Offices in cities with a population of 250,000 or more were categorized as large cities, cities with populations between 50,000 and 249,999 were categorized as



	Respondents		Total Sample	
	Number	Percent	Number	Percent
Large city	84	11	204	13
Midsize city	151	20	337	22
Small town or city	240	32	473	31
Rural	276	37	526	34
Total	751	100	1,540	100
High crime rate	189	25	387	25
Medium crime rate	390	52	770	50
Low crime rate	172	23	383	25
Total	751	100	1,540	100

Source: Authors' calculations based on the 2008 Parole Practices Survey.

midsize cities, cities with populations between 10,000 and 49,999 were categorized as small towns or cities, and any office in an area with a population of less than 10,000 was categorized as rural. While the catchment area of parole offices was not known, the size of the city in which the field office was located served as a reasonable proxy. Variations in results by place size, and the policy implications of those variations, are discussed in box 2.

Using the Federal Bureau of Investigation's Uniform Crime Report data, field offices were classified as located in a city with a high, medium, or low crime rate based on whether they fell into the upper 25 percent, middle 50 percent, or lower 25 percent of crime rates. As shown in table 2.1, the responding offices are representative of the sample as a whole in place size and crime rate.

## Analyzing the Survey Results

The majority of the findings presented in this report are the result of extensive descriptive analyses, supplemented by multivariate regression analyses.<sup>7</sup> The results of these regression analyses, which provide additional statistical support for the findings, are presented throughout the report when statistically significant.<sup>8</sup>

<sup>7</sup> Regression analysis is a statistical technique that allows for the identification of relationships between variables (such as parole office culture and the use of incentives) while controlling for the effects of other factors, such as place size and crime rate.

<sup>8</sup> A more detailed description of the survey methodology and all analyses are available from the authors upon request.



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## National Portrait of Parole Practice

**R**esponses to the survey yield a wealth of information about current parole supervision practices in the United States. This report summarizes the responses to that survey and the results of our analysis and provides a national portrait of parole practices. It is in many ways a snapshot of a field in flux—one that expresses a commitment to evidence-based practices and a variety of innovative principles but that supports and implements them unevenly. Yet for all the unevenness, parole practice in the United States appears to have begun moving in a new direction.

This chapter begins by laying out the structural and environmental attributes of the responding offices, such as the background of administrators, degree of collaboration, and office culture.<sup>9</sup> Many of these factors are related to the extent to which parole offices report practices in accord with the 13 Strategies, discussed later in this chapter.

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<sup>9</sup> The survey included questions (1a-1f) that asked respondents how many parolees were supervised, how many parole officers were employed full and part time by the office, and how many offices were under the jurisdiction of that respondent. The answers for these items were inconsistent, and for at least some offices it was clear that probationers were being included in the counts. To address this issue and include this information in the regression analysis, we developed ratios of supervisees to offices and officers, with the assumption that such ratios would be more comparable across respondents than the raw reported numbers. Those ratios were then used in the regression analyses.

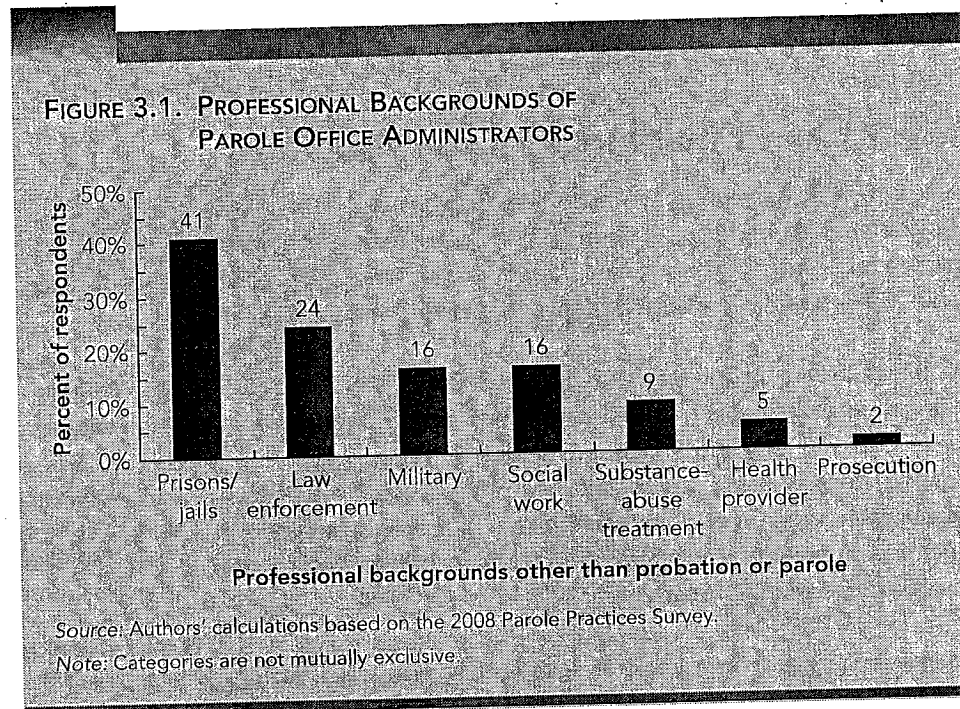


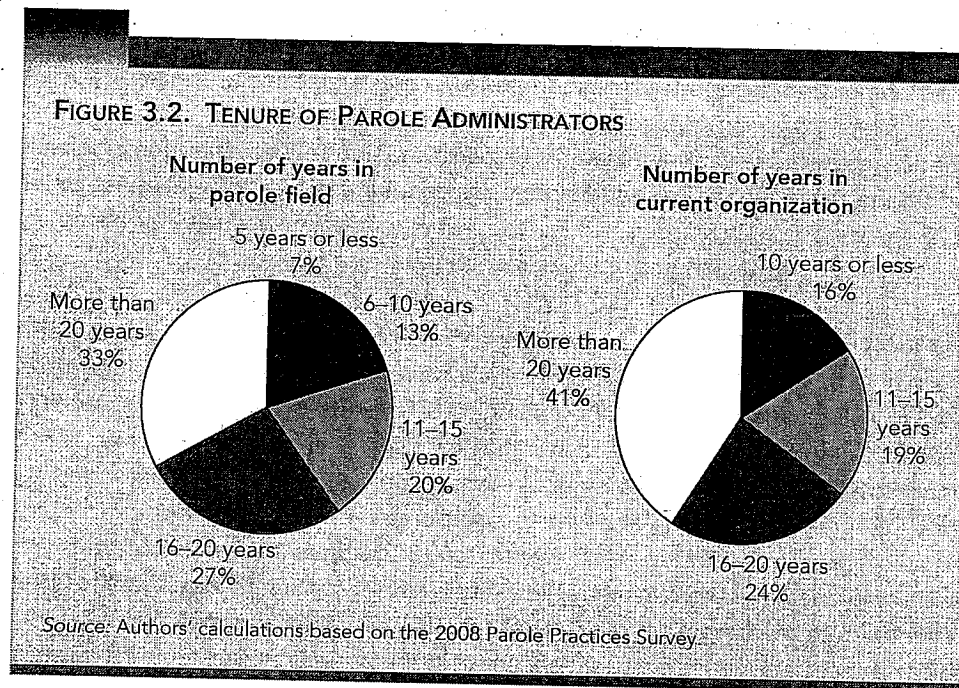
## Administrator Background

Parole administrators reported having worked in a variety of criminal justice and social service professions, in addition to parole or probation. The most common type of experience cited was in paramilitary "command and control" organizations such as institutional corrections and law enforcement, as well as the military. Experience in social service professions (social work and substance-abuse treatment, for example) was reported by a smaller proportion of respondents (see figure 3.1).

This question is significant because administrators with backgrounds in social work, public health, and other behavioral sciences were more likely to report that their offices used practices such as front-loading resources and motivational interviewing, holding other attributes of their offices constant. Conversely, our analysis found that administrators reporting a background in institutional corrections were less likely to report that parolee treatment needs are incorporated into supervision requirements and activities. Such a background is common, as parole supervision is part of the Department of Corrections in many states and serves as a natural career path for staff in the institutional correctional field. A recent study of California parole revealed that 83 percent of parole agents had worked in California correctional institutions (Grattet et al. 2009).

Parole administrators also reported having significant tenure in their current organizations and longevity in the parole field, with 60 percent having had more than 15 years





of experience in the parole field and 65 percent having had more than 15 years of experience with their current organization (see figure 3.2). This longevity likely reflects the fact that many parole systems are governed by civil service rules. Under those rules, advancement is often related to length of service, and lateral entry into a supervisory or management position from outside the organization is uncommon.

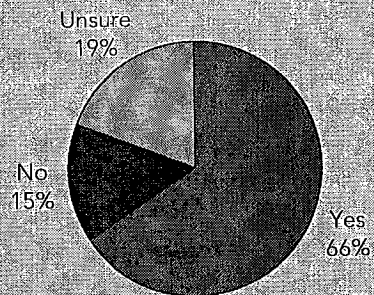
## Office Use of Evidence-Based Practices

One of the most encouraging findings from the survey is the number of offices that reported employing EBPs. As figure 3.3 indicates, 66 percent of responding offices report employing those practices. Moreover, 48 percent of offices report placing either "very great" or "great" emphasis on them (see figure 3.4).

Complicating this picture slightly is the high proportion of offices (19 percent) that reported uncertainty over whether they were employing EBPs, a result replicated (17 percent) when the question asked about the degree of emphasis placed on EBPs. Together, these findings suggest that while the concept of evidence-based practices has become common in the discourse within the parole field, parole leadership has a great deal more to do in explaining this concept and articulating the benefits of such an approach to parole supervision.

Those administrators who reported using EBPs were asked to specify examples. In response, they cited a wide range of practices. The use of risk and need assessment

FIGURE 3.3. PAROLE OFFICES REPORTING USE OF EVIDENCE-BASED PRACTICES

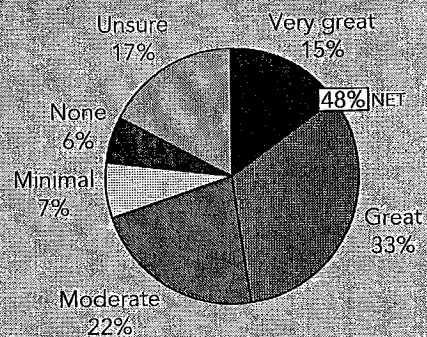


Source: Authors' calculations based on the 2008 Parole Practices Survey.

was by far the most frequently cited, followed by motivational interviewing; provision of treatment and services in areas such as substance abuse, employment, and housing; cognitive-behavioral interventions; and the use of graduated sanctions, remedial sanctions, or decision-making matrices to determine responses to parole violations.

Depending on how they are operationalized, most of the practices that respondents listed as examples are consistent with the eight evidence-based principles of effective

FIGURE 3.4. DEGREE OF EMPHASIS PAROLE OFFICES PLACE ON EVIDENCE-BASED PRACTICES



Source: Authors' calculations based on the 2008 Parole Practices Survey.

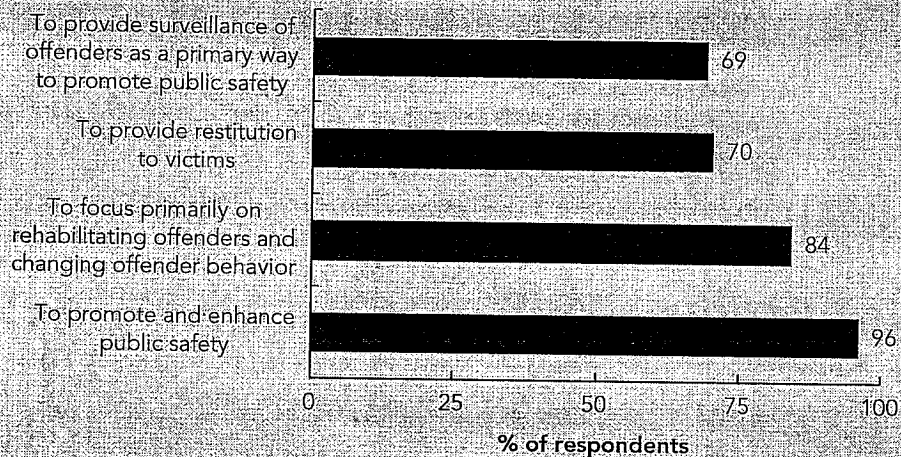
community supervision discussed in box 1. Several responses, however, such as drug and alcohol testing and the use of other surveillance practices, are not in and of themselves evidence-based practices related to reducing recidivism.

## Administrator Perceptions of the Agency Mission

Critical to understanding the context in which parole supervision agencies operate is an understanding of how parole administrators view their agency's mission. Not surprisingly, the vast majority of respondents believe that promoting public safety is a primary mission of their office (see figure 3.5). That being said, more than four out of five respondents also believe that rehabilitating offenders and changing their behavior is a primary mission—more than those who believe surveillance or victim restitution is a primary mission.

In fact, nearly half the respondents (46 percent) chose all four missions, suggesting that parole administrators see multiple elements to the mission of their agencies. This view no doubt reflects the history of parole (and probation), which were both founded in the 19th century with an emphasis on providing offenders with supervision in the community and with assistance and services designed to help them change their patterns of criminal behavior. While the degree of emphasis on those two broad functions has varied over time, the field continues to reflect this dual focus.

**FIGURE 3.5. PAROLE ADMINISTRATORS' PERCEPTIONS OF THEIR AGENCY'S PRIMARY MISSION**



Source: Authors' calculations based on the 2008 Parole Practices Survey.

Note: Categories are not mutually exclusive.

## Culture and Climate

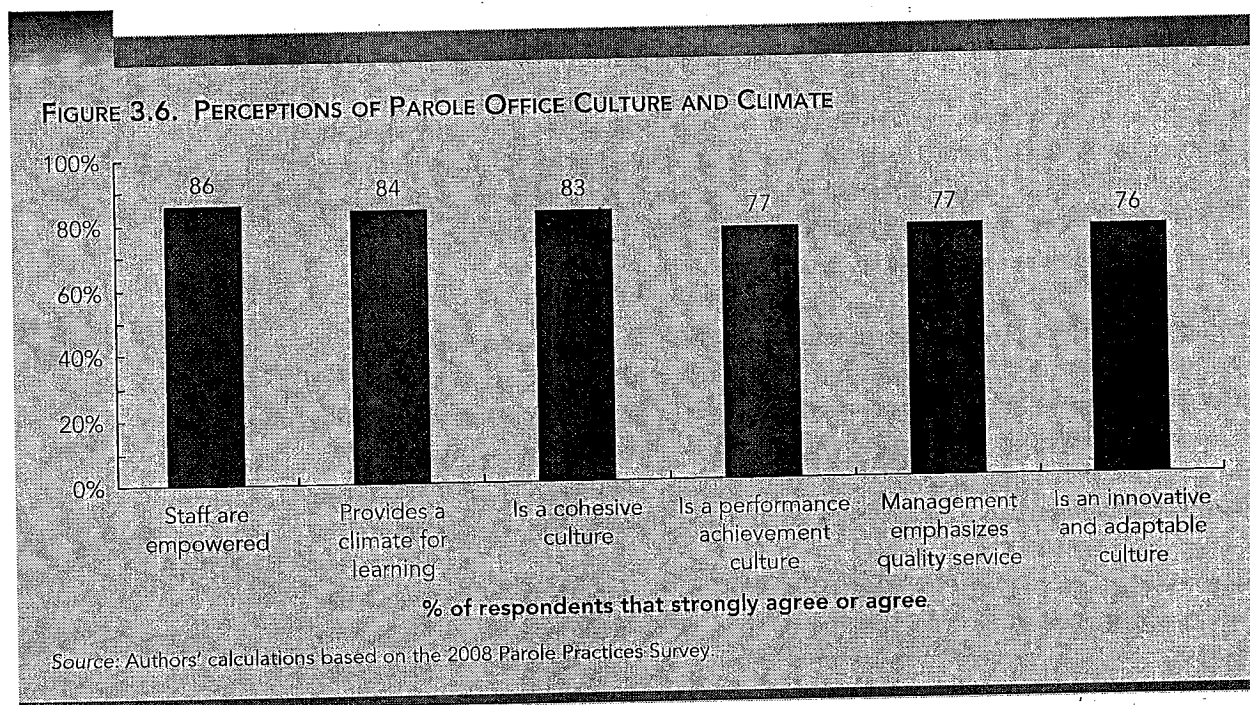
The culture of a field office is a key contributing factor to the way parole supervision is conducted. Schein (2004, 17) defines culture as

a pattern of shared basic assumptions that the group learned as it solved problems of external adaptation and internal integration that has worked well enough to be considered valid and, therefore, to be taught to new members as the correct way to perceive, think and feel in relation to those problems.

A less formal way to describe culture is "the way we do things around here." In either case, culture is a powerful force that defines acceptable and expected behavior within an organization.

It is encouraging that most administrators report having a strong office culture. More than four out of five respondents believe that their staff is empowered, that their office provides a climate for learning, and that it has a cohesive culture (see figure 3.6). Likewise, more than three out of four believe that management emphasizes quality service, that the culture is based on performance achievement, and that theirs is an innovative and adaptable culture.

These perceptions of culture and climate are positively associated with the implementation of the 13 Strategies and the use of evidence-based practices, controlling for



other aspects of responding offices. Specifically, administrators who report having a positive culture and climate are also more likely to report greater use of risk and need assessments, motivational interviewing, and incorporating parolee treatment needs and input into the development of supervision case plans. While the causal link, if any, is unclear from these results (it could be that implementing evidence-based practices is beneficial to office culture, not that positive office culture facilitates the implementation of these practices), it stands to reason that more innovative, cohesive, and achievement-oriented office cultures would implement more promising parole practices. Interestingly, perceptions of office culture and climate vary by place size. These differences are described in box 2.

### **Training and Resources to Support Evidence-Based Practices**

Implementing evidence-based practices, like any organizational change, requires leadership, resources, and training support. Yet many field offices report that they are not receiving the training and support they need to implement them (see table 3.3). Slightly more than half the respondents believe they are receiving adequate support from agency management and slightly less than half the training required to implement EBPs. With regard to financial support and staffing levels, nearly three out of four report not having the financial support or staffing they need. Not surprisingly, the analysis showed a relationship between these four measures and the use of EBPs and the 13 Strategies, controlling for other office attributes. Specifically, the four measures were significantly associated with a greater likelihood of incorporating parolee treatment needs into supervision requirements and activities, engaging parolees in the development of supervision case plans, involving significant individuals in parolees' lives, and using motivational interviewing.

Research and experience are increasingly showing that successful organizational change requires both an effective model and an effectively led and managed change process. The fact that a large percentage of respondents report being unsure about whether they are receiving the support they need is further evidence that many parole administrators continue to be unclear on the meaning of EBPs.

Local administrators who may be interested in implementing new approaches such as EBPs may find that they are limited in what they can do on their own. Organizational supports are crucial to the broad and sustained adoption of such practices. As such, the survey response data suggest that while there may be a good deal of discussion of EBPs and other best practices such as the 13 Strategies at the state level, the extent of follow-up with regard to leadership commitment, training, and resources is not sufficient.

These findings also suggest that leadership at the highest levels of the organization must provide greater support for change and other efforts to adopt EBPs. The implementation of EBPs requires more from leadership than additional or reallocated resources. Training opportunities for both administrators and line staff in particular are

**BOX 2. VARIATIONS IN PAROLE SUPERVISION PRACTICE BY PLACE SIZE**

Although throughout this report we have presented results in the aggregate to paint a national portrait of parole supervision practice, our analysis shows how place size can significantly affect the conduct of supervision in the parole offices. Administrators in rural areas, for example, appear to place less emphasis on EBPs than their counterparts in large and midsize cities. More than half the respondents in large and midsize cities report placing great emphasis on those practices, but only one-third of respondents in rural offices say the same (table 3.1). To some extent, this difference may be explained by the fact that a much higher percentage of rural respondents remain unclear on the meaning of evidence-based practices; more than 75 percent of respondents who report being unsure whether their office employs them were from small town or rural offices.

	Great emphasis	Very great emphasis	Total
Large city	29	25	54
Midsize city	34	20	54
Small town or city	37	13	50
Rural	24	9	33

Source: Authors' calculations based on the 2008 Parole Practices Survey.

Despite the fact that rural administrators indicate placing less emphasis on EBPs, parole administrators in rural and small town offices report that their work environments are more conducive to behavioral change interventions and approaches than their urban counterparts. On each of six measures related to office culture and climate, rural and small town offices were more likely to report conditions that the analysis found to be positively associated with implementing EBPs and the 13 Strategies related to parolee engagement and community outreach (see table 3.2). Perhaps for this reason, offices in rural areas are more likely to report developing supervision plans that balance surveillance with treatment, involving the parolee in the development of supervision goals and case plans, and employing motivational interviewing, controlling for other attributes of responding parole offices.

A common thread in those practices is that they are all interpersonal approaches to working with parolees. By contrast, the regression analysis found that offices in large cities are more likely to have implemented organizational-level practices such as assessment of risk and need factors, place-based supervision, tailoring conditions of supervision, and tracking recidivism rates of former parolees. Large city offices are also more likely to use surveillance-oriented sanctions such as the loss of privileges, electronic monitoring, and day reporting. They are less likely to rely on restorative sanctions such as apologies and community service than are offices in small town or rural areas. These results reinforce earlier findings that showed administrators in rural offices as almost twice as likely as administrators in large cities to see restitution to victims as a primary mission of their office.

Box 2: (CONTINUED)

**TABLE 3.2.** Respondents' Perceptions of Parole Office Culture and Climate by Place Size  
(% of respondents who strongly agree or agree)

	Large city	Mid-size city	Small town/city	Rural
Climate for learning	73	82	86	86
Is a cohesive culture	62	81	84	89
Is a performance achievement culture	63	77	83	77
Is an innovative and adaptable culture	68	73	78	79
Management emphasizes quality service	63	76	78	82
Staff are empowered	77	88	85	88

Source: Authors' calculations based on the 2008 Parole Practices Survey.

critical to any change effort and could also address the uncertainty around EBPs. In effect, the successful implementation of organizational change requires direct, sustained involvement by top leadership.

## Shared Responsibility for Release Plans and Setting Conditions

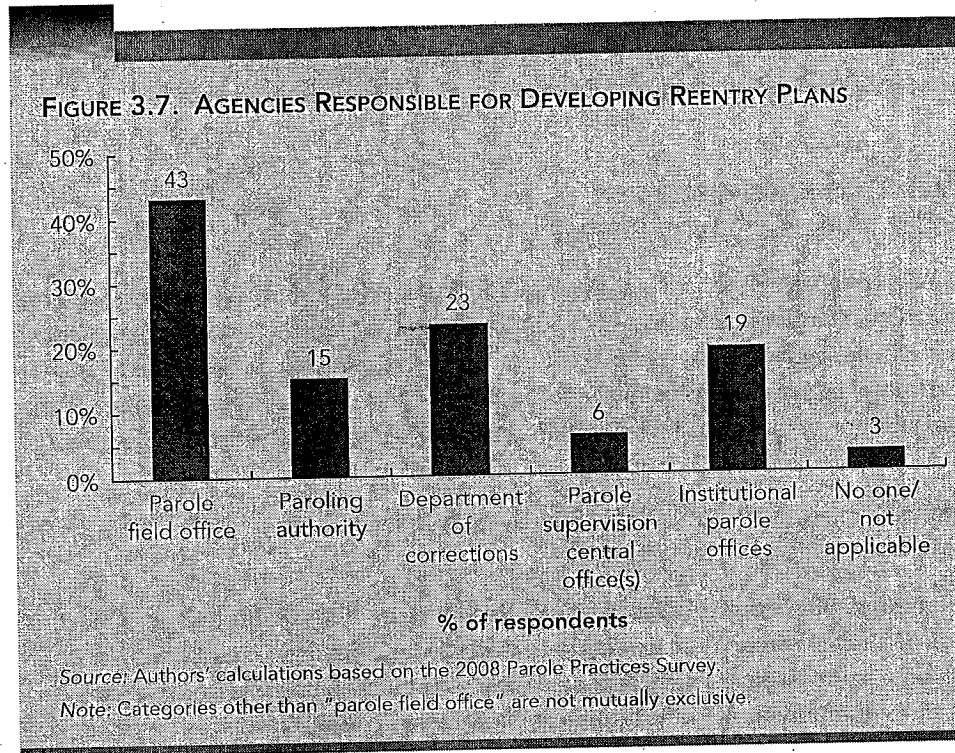
For parole supervision agencies to have the greatest impact on parolee behavior, they need to play an appropriate role in setting the terms of parolee accountability by developing reentry case plans and setting or modifying conditions of parole. Yet fewer

**TABLE 3.3.** Respondents' Views on the Adequacy of the Training and Resources to Support Evidence-Based Practices (percent)

	Yes	No	Not Applicable	Unsure
Financial support	30	38	9	23
Staffing levels	25	49	7	19
Training opportunities	47	26	7	20
Support from agency management	55	16	8	21

Source: Authors' calculations based on the 2008 Parole Practices Survey.





than half the respondents report that they are responsible for developing reentry plans, while just over half are responsible for setting and modifying conditions of supervision.

Figure 3.7 lists the types of agencies or entities, including the field offices themselves, that respondents indicated are responsible for developing reentry plans before release.<sup>10</sup> Because multiple agencies can, and should, be involved in reentry case planning, these responses are not mutually exclusive. For example, an administrator in Minnesota described how his office collaborates with prison caseworkers to develop reentry plans six months before release. The prison caseworker first develops a rudimentary plan, and the field office then enhances it by adding information about employment offers, the parolee's housing situation, and treatment needs:

The responsibility for setting and modifying conditions of supervision is much more limited. According to respondents, the paroling authority is the only agency very likely to have or share that responsibility with the responding supervision field office. Specifically, approximately four out of 10 respondents report that the paroling author-

<sup>10</sup> Respondents were instructed to specify agencies other than the parole field office only if the field office is not responsible for developing reentry plans.

ity has the power to set or modify conditions of supervision. None of the other agencies listed on the survey (department of corrections, courts, and parole supervision central offices) were chosen by more than 5 percent of respondents.

## Practices Consistent with the 13 Strategies

As previously described, the survey of parole practices sought to assess the extent to which practices consistent with the 13 Strategies are currently being employed in the field offices. The following section presents the survey findings related to each of the 13 Strategies as well as additional interpretations of the results. Results relative to the use of incentives and availability of earned discharge are discussed in a single section.

### Defining Success as Reducing Recidivism and Measuring Performance

To improve public safety outcomes, parole administrators should define success as reducing recidivism and measuring the agency's performance in meeting that goal. Unlike process measures such as the number of contacts between parole officers and parolees that look at activities rather than outcomes, reducing recidivism as a goal provides agencies with a clear focus on behavioral change in addition to holding parolees accountable.

The vast majority of respondents (93 percent) report that their office has the goal of reducing recidivism among parolees (see table 3.4). While that goal is important, it is just as important to measure agency, officer, and parolee performance consistently against this standard. To that end, parole agencies should develop systems for collecting and tracking data on recidivism rates.

A smaller majority (75 percent) indicated that the recidivism rates of parolees currently under supervision are tracked. Not surprisingly, only 13 percent indicated that the recidivism rates of former parolees are tracked. Tracking the rates of both current and former parolees provides the most complete picture of the agency's performance. In addition, given that nearly half the field offices reported not knowing whether the recidivism rates of former parolees were tracked, it is likely that the states or regions

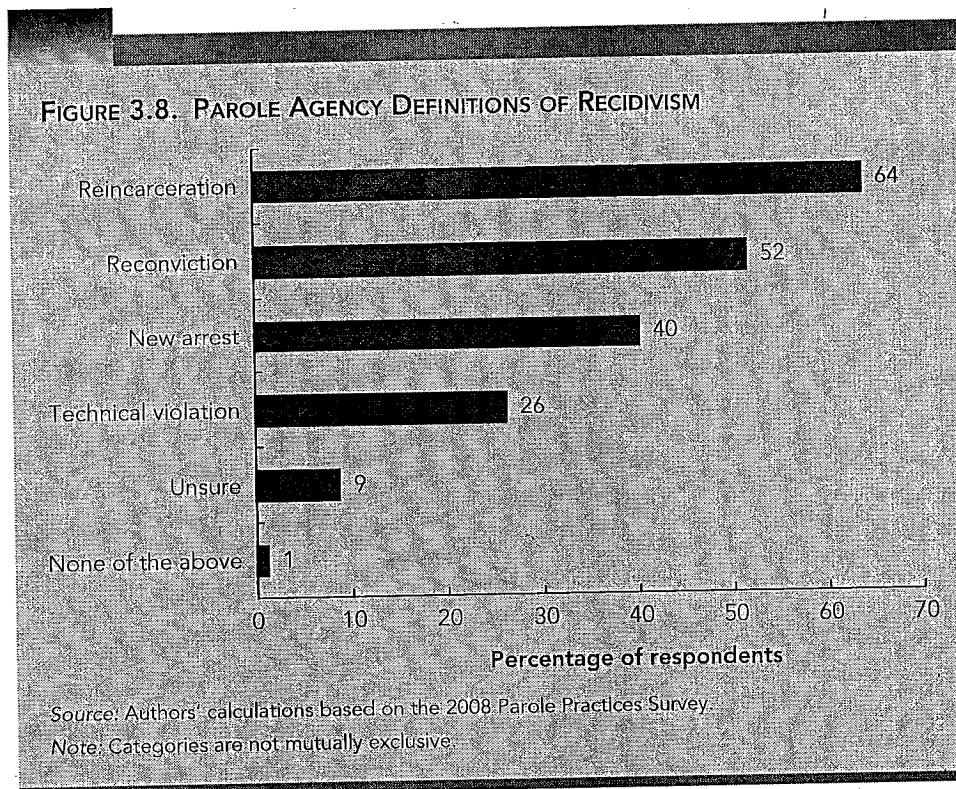
	Yes	No	Unsure
Office has the goal of reducing recidivism among parolees	93	5	2
Office tracks recidivism rates of current parolees	75	10	15
Office tracks recidivism rates of former parolees	13	39	48

Source: Authors' calculations based on the 2008 Parole Practices Survey.

often gather those data and may not share with field administrators. If parole administrators are unsure whether their office is tracking recidivism rates, they are not emphasizing its importance to their line officers. That uncertainty can, in turn, reduce expectations for line staff and parolees themselves.

Some field offices report defining success as reducing recidivism and measuring their success against that standard. A respondent in Indiana, for example, described how a "monthly report card" is kept by the agency that allows both line officers and leadership to track their success. Using the report card, officers can track critical information in addition to recidivism, such as risk level, number of technical violations, sanctions employed, employment rates, and more. The state of Oregon uses a similar system, and posts its data online in a user-friendly format. According to one respondent, this "data warehouse" allows users to track agency performance on a wide range of measures, including, but not limited to, recidivism rates.

Responding offices reported a variety of agency definitions of recidivism (see figure 3.8). Reincarceration was the most commonly cited definition, with reconviction also reported by the majority of respondents. There is no universally accepted measure of recidivism, and each of the definitions can be a valuable indicator of agency success. As such, it may make sense for agencies to track more than one measure, as many offices are clearly doing.



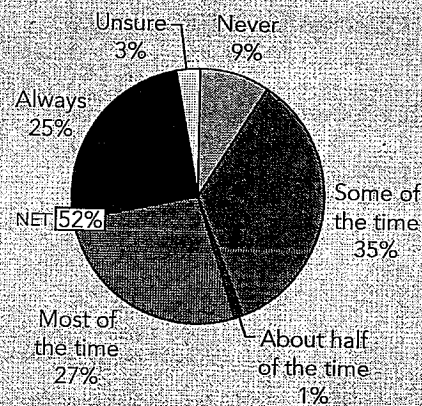
### Tailoring the Conditions of Supervision

Conditions of parole supervision are most effective in contributing to behavioral change and averting recidivism when they are realistic (parolees are capable of complying with them all), relevant (all are related to the parolee's criminogenic risk and need factors), and research based (supported by evidence of effectiveness) (Wicklund 2005). According to respondents, more than half of field offices are tailoring conditions of supervision for individual parolees most of the time or always (see figure 3.9). Based on follow-up conversations, however, many offices are tailoring conditions by *adding* special conditions to the existing list of standard conditions. This practice does not result in conditions tailored to individual parolees but rather in a larger set of conditions that may be less realistic for some and less relevant to others. A preferred approach would be to start with a small number of standard conditions that apply to all parolees and then add conditions based on risk and criminogenic factors.

### Focusing Resources on Moderate and High-Risk Parolees

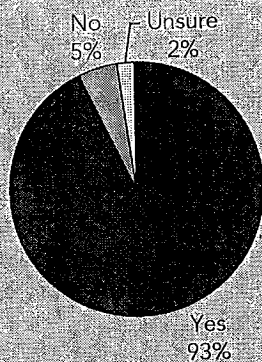
Using empirically validated risk and need assessments, parole supervision agencies can identify high-risk parolees and focus on the population most likely to reoffend. By strategically targeting resources on those who pose the greatest risk to society, parole administrators can maximize the impact of scarce resources and dramatically improve public safety. Not surprisingly, the vast majority of respondents (93 percent) report focusing additional supervision resources on those identified as high risk (see figure 3.10). It

FIGURE 3.9. PERCENTAGE OF FIELD OFFICES THAT TAILOR CONDITIONS OF PAROLE SUPERVISION



Source: Authors' calculations based on the 2008 Parole Practices Survey.

FIGURE 3.10. PERCENTAGE OF FIELD OFFICES THAT FOCUS ON HIGH-RISK PAROLEES



Source: Authors' calculations based on the 2008 Parole Practices Survey.

should be noted, however, that respondents were not asked how they allocate those supervision resources or the nature of their focus.

According to the principles of evidence-based practice developed by the Crime and Justice Institute and endorsed by NIC, "successfully addressing [high-risk offenders] requires smaller caseloads, the application of well-developed case plans, and placement of parolees into sufficiently intense cognitive-behavioral interventions that target their criminogenic needs" (Bogue et al. 2004). Unfortunately, because respondents were asked if they focus on high-risk offenders in contrast to applying equal amounts of resources to all parolees regardless of risk—a strategy not likely to be employed by many offices—the results do not allow us to draw many conclusions.

Furthermore, as the proportion of respondents who indicated that they assess for risk and need and develop case plans that balance treatment and supervision is well below 93 percent, it seems reasonable to conclude that parole offices are not focusing on higher-risk parolees in a manner consistent with the 13 Strategies. Follow-up calls produced examples heavily weighted toward surveillance: increased contacts between agent and parolee, more frequent drug and alcohol testing, and reliance on electronic monitoring were mentioned in calls with administrators in multiple states.

An example of focusing resources other than surveillance on high-risk parolees came from a respondent in Oregon, who described assessing risk to reoffend, motivation to change, and treatment needs. In his office, moderate-to-high-risk parolees with a low degree of motivation to change participate in cognitive-behavioral interventions. Once an assessment of their motivation indicates their readiness to change, they are

referred to programming to address other criminogenic needs, such as substance abuse treatment or anger management classes.

### Front-loading Supervision Resources

Given the challenges that individuals face upon release, the first few hours, days, and weeks on parole are especially critical to a parolee's success (Ball, Weisberg, and Dansky 2009). In fact, arrests and parole violations are nearly twice as likely in the first month of parole as in the 15th month (Rosenfeld, Wallman, and Fornango 2005). By front-loading resources at the time of release, parole offices can provide a bridge of interventions and case-management strategies that effectively address parolees' criminogenic risk and need factors. "In-reach" efforts designed to build the relationship between parolee and parole officer or between parolee and service provider before release further strengthens this approach.<sup>11</sup>

The front-loading of resources should focus on the immediate and very practical issues that confront released individuals—a place to live, a job, financial support, transportation, continuation of treatment services, and, if needed, medications. Meeting those needs quickly and efficiently would reduce the stress on the parolee as well as the related risk of relapse and reoffending.

Four out of five respondents report making an effort to concentrate resources at the time of release and during the first few days and weeks after release (see figure 3.11). Although it is not possible to determine from the survey results whether field offices are simply front-loading surveillance, as opposed to treatment and services, these results are encouraging. Concentrating both the number and type of supervision resources strategically at the time of release will dramatically reduce the risk that a parolee will commit a new crime.

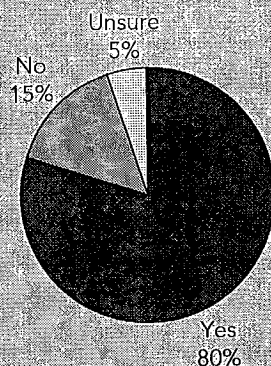
For example, a respondent in South Dakota described a process by which aftercare appointments are set before release for all parolees with a history of substance abuse or mental health treatment needs; treatment groups are established for sex offenders before release as well. In addition, the assessment of risk and need determines the intensity of treatment, and the prison sends a summary of treatments received in the correctional institution to the provider.

### Incorporating Incentives and Rewards into the Supervision Process and Implementing Earned Discharge

Parolees, like most people, respond to incentives and rewards. Examples of incentives in the parole supervision context include verbal accolades, awarding certificates of

<sup>11</sup> *In-reach* refers to the practice of bringing supervision agents, service providers, and other individuals with whom a prisoner should have a relationship in the community into the institution to begin planning for and building that relationship before release.

FIGURE 3.11. WHETHER THE PAROLE OFFICE MAKES AN EFFORT TO FRONT-LOAD RESOURCES



Source: Authors' calculations based on the 2008 Parole Practices Survey.

"It's easy to catch a parolee doing something wrong. We want to catch those things they're doing right and let them know that they're doing well."

— GARNETT TATE, CHIEF PAROLE OFFICER,  
JEFFERSON, GEORGIA

achievement, reducing reporting requirements, reducing or waiving supervision fees, and eliminating conditions of supervision. When applied consistently, these "carrots" can be a powerful impetus for a parolee to stay sober, keep a job, or pay victim restitution.

More than two-thirds of respondents report providing incentives to parolees, and more than half report offering early discharge as an incentive. The range of incentives cited by respondents included reduced reporting requirements, lower supervision levels, certificates of achievement, letters of support, travel permits, and permission to mentor other parolees. Although the use of some incentives, such as early parole discharge, may be subject to policy limitations, many incentives require nothing more than acknowledging success and can be implemented at any time. As table 3.5 indicates, respondents were more likely to cite incentives related to reduction in parolee responsibilities, such as fewer reporting requirements and reduced levels of supervision, than incentives such as benefits or positive reinforcement. While the reduction of parolee responsibilities and the possibility of earned discharge may be powerful motivators, smaller incentives can be applied immediately and more regularly to reinforce positive behavior.

As part of the national Criminal Justice Drug Abuse Treatment Studies program, offices in six states participated in one such incentive program—Step'n Out. A respondent in Connecticut described the participation of three parole officers in the pilot program

TABLE 3.5. Incentives for Parolee Compliance		
	Number	Percent
Does your office provide incentives?		
Yes	531	71
No	193	26
Unsure	17	2
Does your office allow earned discharge?		
Yes	383	51
No	336	45
Unsure	18	2
Examples of incentives cited		
Reduced reporting/contacts	171	23
Lower supervision levels	123	16
Positive reinforcement	53	7
Incentives with monetary value (bus passes, food vouchers, etc.)	15	2

Source: Authors' calculations based on the 2008 Parole Practices Survey.

Note: Not all offices indicating that they provide incentives cited examples.

and how incentives—such as movie passes or gift certificates—enhanced parolee engagement. These positive reinforcements were used to encourage parolees to make progress toward agreed upon goals such as applying for jobs or staying sober. The program included software that prompted officers to use appropriate rewards for parolee behaviors. The design of this program reflects research suggesting that positive reinforcement, acknowledgment of successes, and simple rewards effect positive behavioral change more than sanctions or negative reinforcement. The system of rewards, however, did not become general practice in the office because of resource constraints.

In addition to monetary incentives, parole officers in the Connecticut field office also provided incentives for positive behavior by calling parolees' families to let them know when the parolee was doing well and incorporating regular verbal compliments into interactions between parole officers and parolees. And unlike incentives such as reduced reporting or early discharge, which require that field offices be allowed to set or modify conditions of supervision, any office can use these powerful and effective day-to-day incentives.

### Assigning Neighborhood-Based Supervision

In a system of neighborhood- or place-based supervision, parole administrators assign officers caseloads that correspond geographically to where high concentrations of



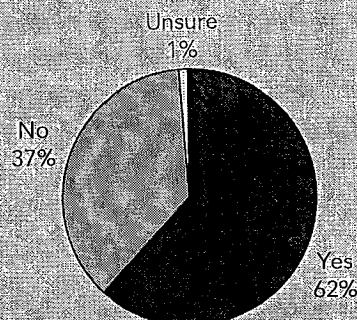
parolees reside. Preferably, parole officers are assigned to satellite offices physically located in the community so that they can become familiar with local resources and high-risk areas, increase communication with community-based organizations, and engage informal social controls. By eliminating costly and time-consuming travel for parole officers, place-based supervision is also an effective and efficient use of scarce parole resources. In such an arrangement, parole officers typically work nontraditional hours (evenings and weekends) in neighborhood-based offices that are open at times other than usual business hours.

Such strategies also reduce travel problems for parolees. Appointments for parolees can be scheduled during nonwork hours and thereby reduce workplace stress. Because many parolees have lost their driving privileges or lack ready access to a vehicle—and may live in an area with limited or no public transit resources—locating the parole office in or near the neighborhoods where parolees reside increases the likelihood that parolees will keep their appointments and maintain regular contact.

It is important to note that placed-based supervision may mean something very different for rural offices from that in more densely-populated areas, where it is likely to be synonymous with neighborhood-based supervision. Great distances often lie between parolee residences, making face-to-face contact difficult and expensive. Perhaps as a result, rural respondents were nearly 20 percentage points less likely to report using neighborhood-based supervision:

According to respondents, nearly two-thirds of field offices are assigning officers to specific geographic areas (see figure 3.12). What the survey results do not make clear, however, is whether field offices are embedding officers in the community to increase

**FIGURE 3.12. PERCENTAGE OF PAROLE OFFICES THAT ASSIGN OFFICERS TO SPECIFIC GEOGRAPHIC AREAS**



Source: Authors' calculations based on the 2008 Parole Practices Survey.

community engagement or merely to increase operational efficiency. Ideally, place-based supervision accomplishes both goals. A respondent in Wisconsin, for instance, described how dividing caseloads geographically enhanced collaboration with law enforcement (including neighborhood supervision with community policing officers), local government agencies and services, and neighborhood organizations. Because they are located in the community, parole officers are able to participate in neighborhood events, speak directly to employers, and develop relationships with community leaders.

### Engaging Partners to Expand Capacity for Intervention

One of the most important steps that a parole supervisory agency can take to improve reintegration outcomes is to develop sustainable relationships and networks with the many organizational stakeholders involved in the reentry process (law enforcement, service providers, paroling or releasing authority). In addition to reducing duplication of efforts and efficiently allocating resources, coordinating and collaborating with law enforcement and service providers act as “force multipliers” by leveraging existing resources and allowing parole officers to do more to build relationships, engage informal social networks, and effect behavioral change.

Administrators overwhelmingly report that collaboration is important to achieving their mission. Nearly four out of five respondents state that interagency collaboration is “very important,” and more than half believe the same about collaboration with community members (see table 3.6). This finding is significant because administrators who believe collaboration is important to achieving their agency’s mission are more likely to emphasize evidence-based practices and to have implemented the 13 Strategies, controlling for other field office attributes. Specifically, administrators who believe collaboration is important are more likely to incorporate the parolee’s treatment needs into supervision case plans, to engage the parolee in the development of supervision goals and case plans, to involve significant others in the development of case plans, and to assess criminogenic risks and need factors.

Respondents to the parole survey report high levels of interaction with law enforcement and service providers: more than three-quarters report interacting at least weekly. As shown in figure 3.13, much smaller numbers report interact-

“Our mission emphasizes utilizing community agencies to reintegrate offenders into the community. We utilize and depend on outside treatment agencies. We can’t possibly do everything ourselves; our meetings with offenders play a minimal role in helping to rehabilitate or reintegrate them. We need domestic violence shelters; food pantries, Goodwill, and education and housing agencies. We need to use them as resources. If we don’t have those resources the offender will be stuck in the same situation.”

—ALLISON BIGGS, SUPERVISOR,  
KENTUCKY’S 15TH PAROLE DISTRICT

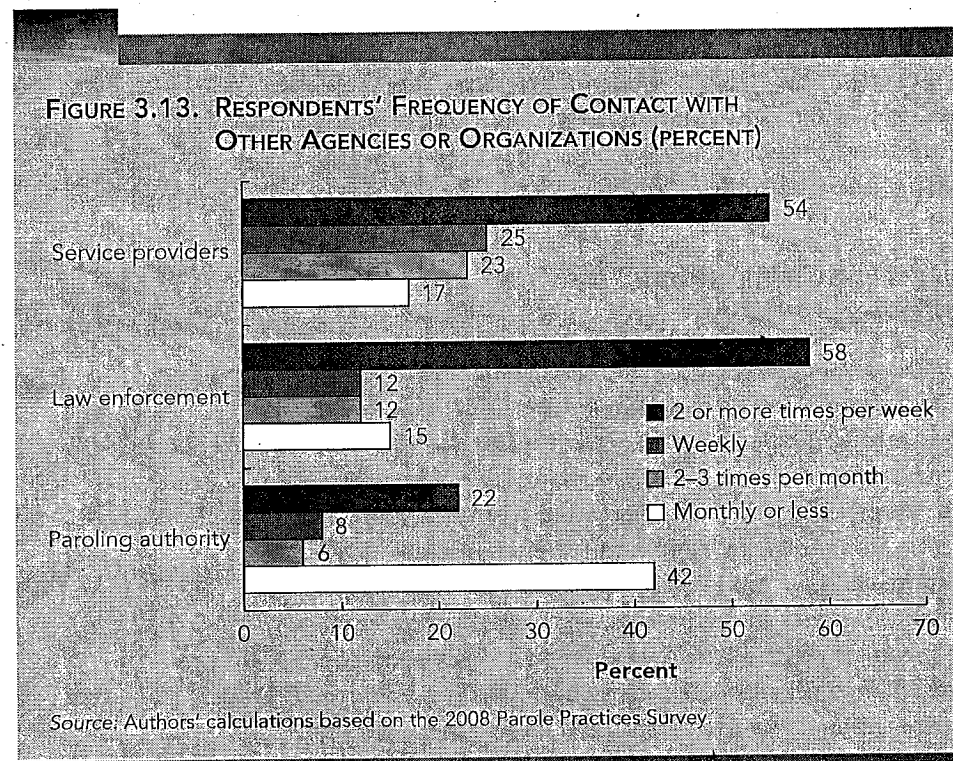
**TABLE 3.6. Percentage of Respondents Who Believe That Collaboration Is Important to Achieving the Agency's Mission**

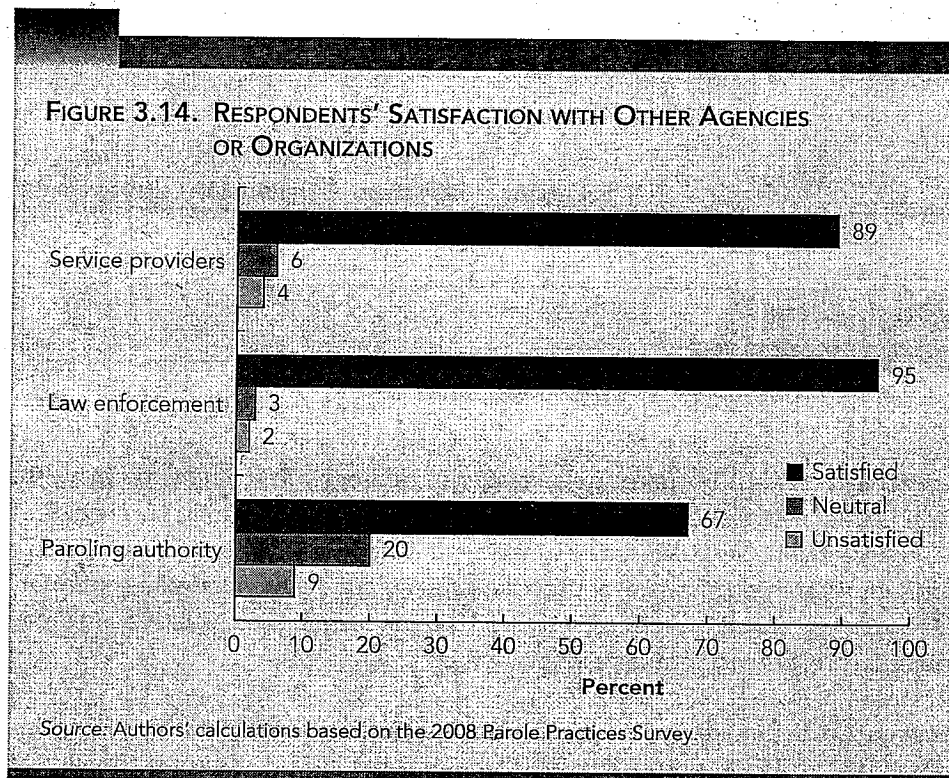
	Very important	Important	Somewhat important	Not important
Interagency collaboration and partnerships	80	16	4	0
Collaboration with community members	58	31	10	1

Source: Authors' calculations based on results of the parole survey

ing frequently with the paroling or releasing authority. This difference may be explained by the different nature and purposes of those interactions. Paroling and releasing authorities typically have a smaller role in the daily conduct of supervision. Their efforts are generally concentrated on the release decision and the setting of supervision conditions—and only later if parolee noncompliance results in a parole revocation proceeding or other formal sanction.

Interestingly, the frequency of interactions appears to be related to the satisfaction level of parole administrators. According to survey results, parole administrators are





either "somewhat satisfied" or "satisfied" with the paroling or releasing authority, law enforcement, and service providers in the same order as the frequency of their interactions (see figure 3.14). The level of satisfaction for each of these categories is high, however, and the level of dissatisfaction is low.

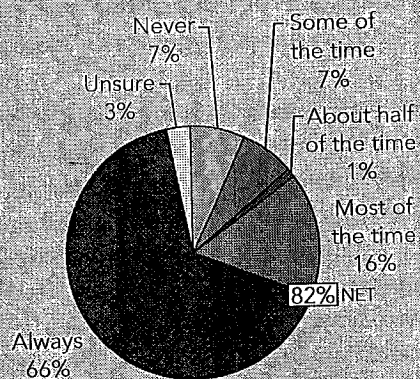
### Assessing Criminogenic Risk and Need Factors

To allocate supervision resources effectively and efficiently to protect public safety, parole supervision agencies should be assessing parolees' criminogenic risk and need factors. Criminogenic risk factors are parolee attributes associated with the probability of reoffending, while criminogenic need factors are parolee problems that, if left unaddressed, are likely to lead to reoffending. Needs in this context are dynamic factors that can be changed, while risk factors can be dynamic (such as a lack of job skills or criminal peer group) or static and unchangeable (such as age at first conviction or criminal history). In some jurisdictions, these tools will complement institutional assessments; in others, they will be the

"The risk and need assessment conducted by our agency is a more realistic picture of how they're doing in the community, the 'real world' so to speak, than the assessment in the institution. Having that fresh perspective is important for assessing their risks and needs."

—JAMES LYTTON HAAS, DIRECTOR  
RICE COUNTY, MINNESOTA  
COMMUNITY CORRECTIONS

FIGURE 3.15. RESPONDENTS' USE OF INSTRUMENTS TO ASSESS CRIMINOGENIC RISK OR NEED FACTORS



Source: Authors' calculations based on the 2008 Parole Practices Survey.

first step in differentiating parolees by risk and identifying treatment needs and interventions aimed at behavioral change. Most important, risk and need assessments must play an integral role in the development of supervision case plans. The supervision strategy and plan should work to mitigate and reduce criminogenic factors identified by the risk and need assessment.

A strong majority of respondents report using an instrument to assess risk or need factors (see figure 3.15). One caveat to this finding is that the survey did not differentiate between assessing for risk and assessing for both risk and need. This shortcoming is significant, given the importance of assessing both risk and need to determine the most effective interventions for preventing recidivism for individual parolees.

Respondents who indicated that they were using such assessments were asked to indicate which instrument they currently use and whether that instrument had been empirically validated.<sup>12</sup> According to respondents, the instrument used most in the field offices is the Level of Service Inventory-Revised (LSI-R) or one of the associated instruments (LS/Case Management Inventory or LSI-Short Version). Nearly one-fifth of respondents reported using one of these instruments. Other frequently cited instruments included COMPAS (Correctional Offender Management Profiling for Alternative Sanctions), the risk and need assessment instruments developed by the state of Wisconsin, and other locally developed instruments.

<sup>12</sup> The term *empirically validated* refers to the process of testing the instrument on the population that it will be used to assess to determine its effectiveness in predicting risk and identifying need. This process is critical and should involve technical experts who can confirm the validity and reliability of the results.

A review of the responses for a perspective on statewide use showed that the LSI-R or one of the associated instruments is used in almost half the states (45 percent). Locally developed instruments are used in a quarter (27 percent) of the states, and responses that were mixed, unclear, or indicated that multiple instruments were used represented 18 percent of the states. The COMPAS is used in three states (including California and Michigan), while the Wisconsin instruments are used in Wisconsin and two other states.

Whether parole agencies use an existing instrument or develop one of their own is less important than that they use a reliable tool that is validated for their parolee population and any relevant subpopulations (such as sex offenders for sex offender-specific assessments) and that assesses both risk and need. For example, the LSI-R and COMPAS instruments integrate both risk and need factors into one instrument. The Wisconsin model has two separate instruments, which makes it easy to use the risk assessment alone. This is in fact what happened in many agencies that adopted the Wisconsin model during the 1980s. Because of the emphasis on surveillance and enforcement in parole, risk assessment was emphasized, and the need assessment was often eliminated.

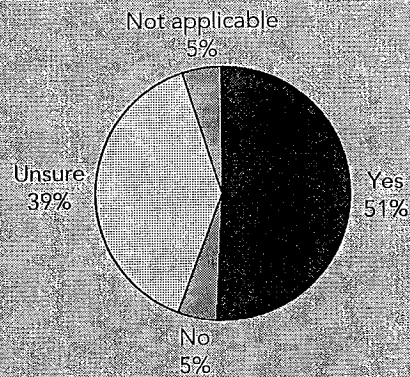
In a follow-up conversation, a respondent from a field office in Montana described using a state-designed instrument to assess both risk and need. According to the respondent, every parolee is assessed and given both a risk and need score, with the needs score subdivided into categories such as education, substance abuse, and mental health. The supervision case plan is tailored to reflect those needs, and referrals for services are made accordingly. The risk score is used to determine the level of monitoring and surveillance. Parolees supervised at one of the three highest supervision levels are reassessed every six months to capture changes in risk and need and to adjust the case plan and supervision level accordingly.

On the question of whether the instrument has been empirically validated, however, the results were somewhat less encouraging. While just more than half the respondents report having validated their assessment instrument, more than one-third (39 percent) report being "unsure" about whether the instrument had been empirically validated (see figure 3.16). While the validation of assessment instruments is the responsibility of the agency, it is critically important that field office administrators have a full understanding of the value of using a validated instrument. The high degree of uncertainty over whether instruments have been validated, however, suggests gaps in that understanding.

### **Developing and Implementing Case Plans That Balance Surveillance with Treatment**

Armed with assessment information on parolee criminogenic risk and need factors, parole officers should develop individualized case plans that balance surveillance priorities with treatment and intervention needs. This approach, shown to be more effective at reducing recidivism than surveillance alone, allows parole agencies to tailor conditions of supervision according to each parolee's unique situation. Unlike a one-size-fits-all approach, this strategy considers both the parolee's risk of reoffending and the interventions that are most likely to change his or her behavior in the long run.

**FIGURE 3.16. RESPONDENTS' KNOWLEDGE OF WHETHER THE ASSESSMENT INSTRUMENT HAS BEEN VALIDATED**



Source: Authors' calculations based on the 2008 Parole Practices Survey.

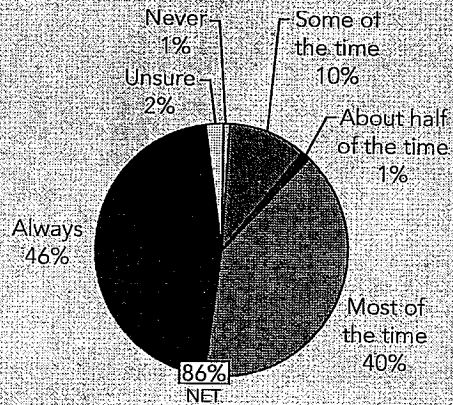
Asked whether "supervision requirements and activities routinely incorporate the parolee's treatment needs as well as surveillance and enforcement priorities," the vast majority of respondents said that this was the case either most of the time or always (see figure 3.17). An administrator in Maryland described how a case plan derived from that state's assessment process is intended to drive supervision, including ensuring that parolees' treatment needs are addressed. These plans, which include conditions of supervision, can be revised at any time according to changing circumstances, whether positive or negative.

### Enhancing Parolees' Engagement in Assessment, Case Planning, and Supervision

By involving parolees in the development of their own supervision goals and case plans, parole officers are more likely to strike an appropriate balance between surveillance priorities and treatment needs, increase parolee engagement in the supervision process, and develop the buy-in crucial for success. Ideally, this effort entails bringing parolees into every stage of the process, clearly communicating mandatory supervision conditions, identifying additional goals and treatment needs using both assessment information and parolee input, and incorporating parolee input and feedback when developing and modifying supervision case plans. Our survey results, however, indicate that fewer than half the field offices report involving parolees in the development of supervision goals and case planning either always or most of the time (see figure 3.18). More than half report involving the parolee only some of the time, or never.

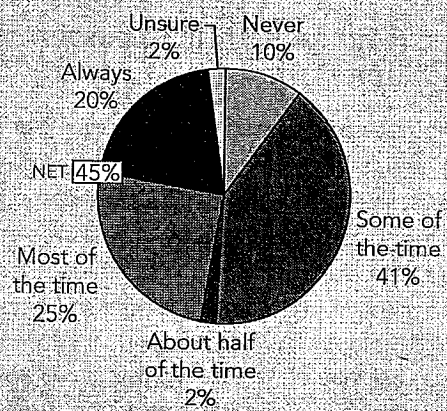
Motivational interviewing is one of the techniques that parole officers use to build trust with parolees. This approach to behavioral management emphasizes the relationship

FIGURE 3.17. WHETHER PAROLE OFFICES DEVELOP PLANS THAT BALANCE SUPERVISION WITH TREATMENT



Source: Authors' calculations based on the 2008 Parole Practices Survey.

FIGURE 3.18. WHETHER FIELD OFFICES INVOLVE PAROLEES IN DEVELOPMENT OF SUPERVISION GOALS AND CASE PLANS



Source: Authors' calculations based on the 2008 Parole Practices Survey.



"The parolee has to play a role. We have to remember that many of these offenders don't know any other way. If they're used to people not doing anything for them, to not receiving help, to not being able to accomplish their goals, than they're not going to buy in. If they don't buy in then it's not their plan, it's my plan, and they're not going to do it. But if you use motivational interviewing, open-ended questions, you can get them to the point where they need to be and then it's their idea. And once you help them start achieving their goals, everything else that pours out of them will be positive."

— YVETTE SALINAS, SUPERVISOR  
FROM GARY, INDIANA

between the parolee and the parole officer and engaging the parolee to determine motivating factors, goals, and obstacles. If parole officers apply motivational interviewing techniques properly and consistently to parolee interactions, they will be engaging in active listening and problem solving rather than simply running through a checklist of "dos and don'ts." This approach develops parolee buy in, which will ultimately lead to improved supervision outcomes. Yet this valuable and low-cost tactic appears to be overlooked, with just over a quarter of responding offices reporting using it most of the time or always (see figure 3.19). In addition, a fairly high proportion of respondents (13 percent) were unsure whether their office was using motivational interviewing.

According to administrators who use these techniques, they are invaluable for enhancing parolee engagement and self-efficacy. A respondent in Georgia, for example, described how parole officers based in that office rely on active listening to develop parolee motivation and commitment. Through these two-way conversations, officers are able to identify a parolee's goals and tailor conditions of supervision accordingly. For example, if a parolee mentions wanting to own a home, the parole officer helps the parolee identify the steps that it would take to accomplish that goal, works with the parolee to integrate those steps into the supervision case plan, and customizes future interactions around that goal.

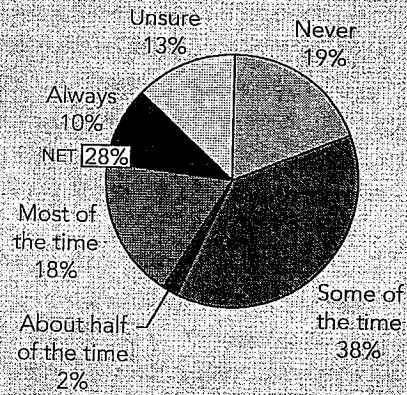
### Engaging Informal Social Controls to Facilitate Community Reintegration

Family members, social networks, employers, and other informal relationships provide critical support for many parolees and are an invaluable source of information for the parole officer who knows how to use them. Chief among these important relationships are the spouses, partners, families, and significant others of parolees. It appears that rather than taking advantage of these natural partners, most parole field

offices are not engaging them in the development of supervision goals and achieving positive outcomes. Only a third of respondents report involving significant others in the development of supervision goals always or most of the time (see figure 3.20).

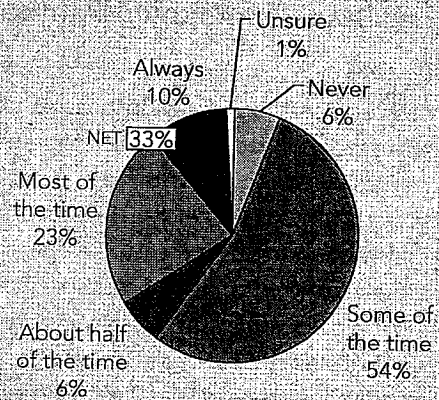
Respondents contacted during our follow-up who are engaging family members and significant others find it helpful and speak to its efficacy. For example, an administrator in Kentucky described beginning the process of consulting with spouses, partners, and others involved in the parolee's life prerelease and continuing it throughout the

FIGURE 3.19. PERCENTAGE OF RESPONDENTS USING  
MOTIVATIONAL INTERVIEWING WITH PAROLEES



Source: Authors' calculations based on the 2008 Parole Practices Survey.

FIGURE 3.20. PERCENTAGE OF RESPONDENTS ENGAGING  
INFORMAL SOCIAL CONTROLS



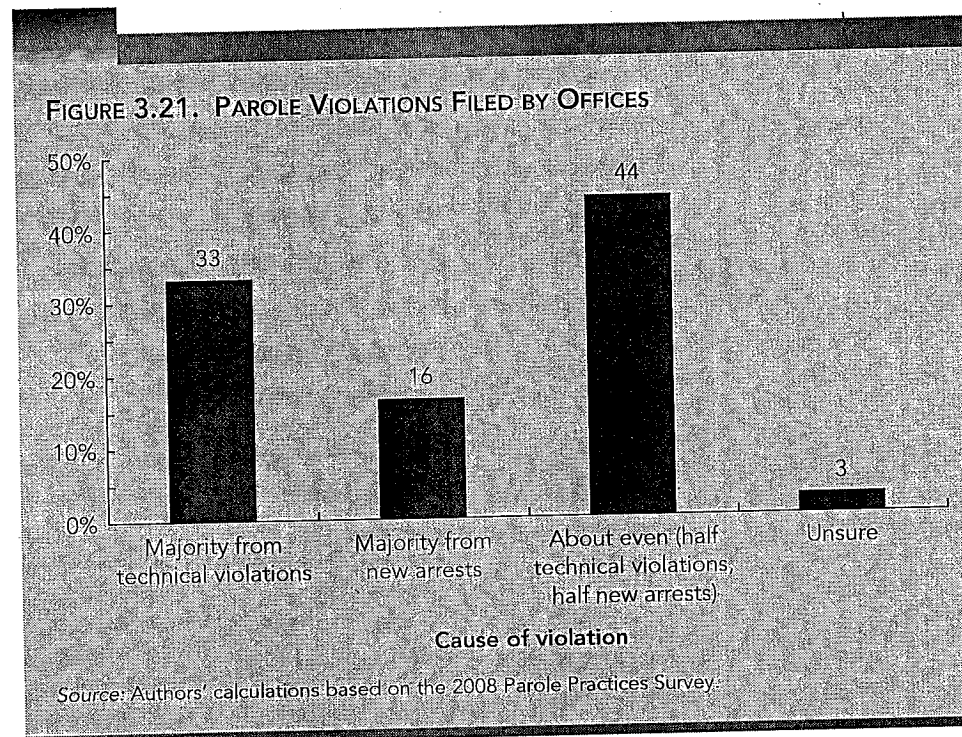
Source: Authors' calculations based on the 2008 Parole Practices Survey.

parolee's time under supervision. The prerelease contact is critical because it ensures that the family is willing to support and help the parolee abide by supervision conditions. This commitment allows the parole officer to create a more realistic case plan and opens the lines of communication between the officer and the people who interact with the parolee daily: the very people who may reach out to the officer when problems arise and can help inform case management and supervision strategies.

### Employing Appropriate Responses to Violations of Parole Conditions

Sole reliance on incarceration as a response to technical violations has dramatic effects on the size of the prison population. As of 2007, more than a third of prison admissions were for violations of parole (West and Sabol 2008). While sometimes a reincarceration is a necessary response to serious or repeated violations of parole conditions, returning parolees to custody disrupts the reintegration process and ignores research showing that many parole violators can be managed in the community without compromising public safety (Martin, Van Dine, and Fialkoff 2009).

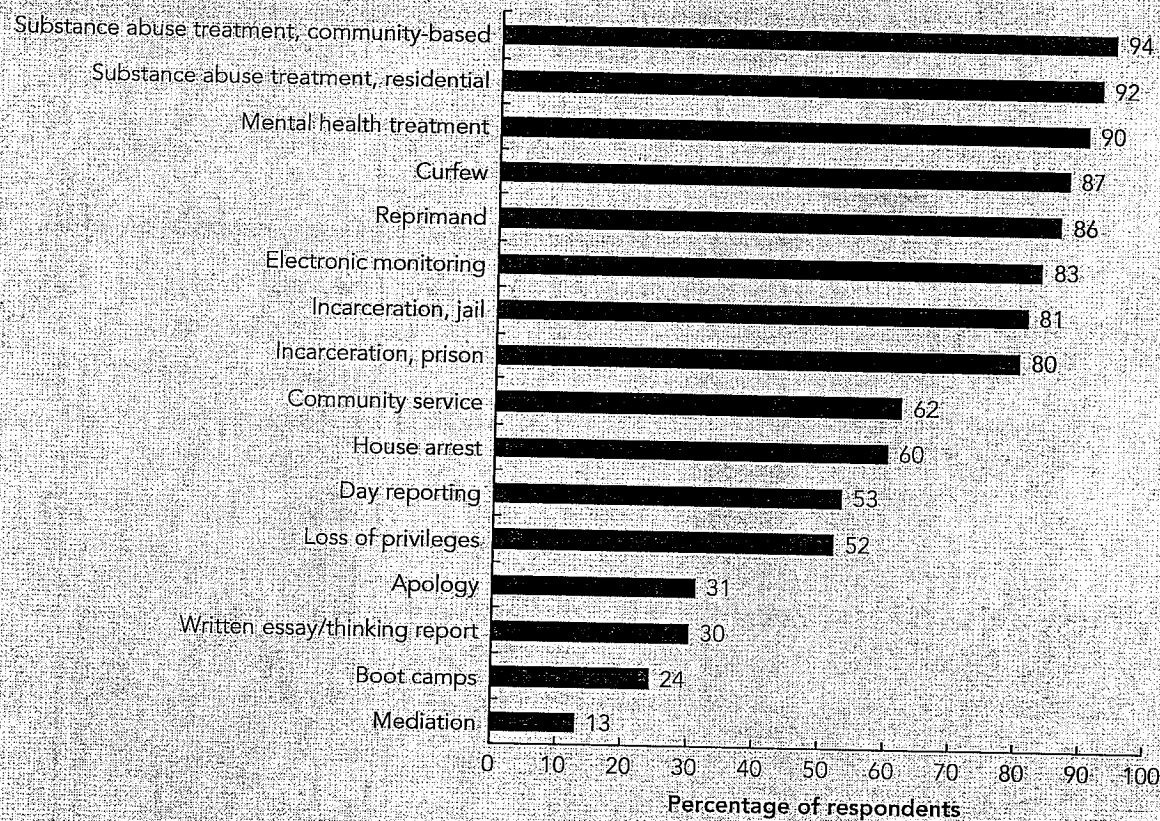
More than three out of four survey respondents report that either half or a majority of parole violations filed in their office result from technical violations of conditions of parole (see figure 3.21). While these findings do not make it clear what percentage of violations lead to revocation, they suggest a high volume of technical violations. Officers should have a menu of appropriate sanctions to respond to them, beyond return to custody.



Ideally, parole officers should employ graduated responses to violations of parole and apply sanctions that are both proportional to the seriousness of the violation and, in the process, address the cause. Considering that sending offenders back to prison costs nearly 20 times as much as supervising them in the community (Pew Center on the States 2009), parole administrators should apply the range of available sanctions. Returns to custody, the most expensive and severe available sanction, should be deployed strategically—when public safety is at risk or when the parolee fails to respond to other sanctions.

In response to technical violations, parole administrators report using a wide range of sanctions (figure 3.22). And while a clear majority of parole administrators report either jail or prison as an available sanction in response to technical violations, neither was

**FIGURE 3.22. AVAILABLE SANCTIONS FOR RESPONDING TO TECHNICAL VIOLATIONS OF PAROLE**



Source: Authors' calculations based on the 2008 Parole Practices Survey.

Note: Categories are not mutually exclusive.

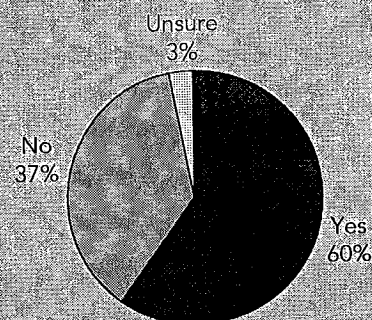
among the top five most likely responses. In fact, more administrators reported using substance abuse treatment, mental health treatment, and other community-based sanctions in response to technical violations than reported using incarceration. These results suggest that while parole administrators still rely on incarceration as a response to technical violations, they have a much broader repertoire of sanctions available to them.

Parole administrators can ensure that sanctions are being applied consistently by requiring parole officers to use sanctioning grids or guidelines to determine appropriate sanctions. These guidelines should reflect the agency's goals of reducing recidivism and reserving costly returns to prison for the most serious violations. According to respondents, this practice has become common in the parole field, with nearly two-thirds of field offices using sanctioning grids or guidelines to determine appropriate responses (see figure 3.23).

This process was described by one administrator in Georgia as a progressive continuum. Along this continuum lies a range of available sanctions from verbal warnings for less-serious violations to short-term incarceration for more-serious offenses. The administrator stressed the importance of employing a wide range of sanctions, from electronic monitoring to a parole detention center, before pursuing revocation. Perhaps most important, these sanctions are applied consistently and swiftly. According to the administrator, "The real key to all of the sanctions is that they're immediate."

This sentiment was echoed by an administrator in Oregon, who said, "What matters is not so much the sanction as the ability to do it swiftly and consistently." According

FIGURE 3.23. PERCENTAGE OF RESPONDENTS USING SANCTIONING GRIDS OR GUIDELINES



Source: Authors' calculations based on the 2008 Parole Practices Survey.

	Number	Percent
Parole officer with office supervisor	600	80
Paroling authority	133	18
Parole officer alone	100	13
Higher-ranking supervisor	77	10

Source: Authors' calculations based on results of the parole survey.

Note: Categories are not mutually exclusive.

to the respondent, field offices in Oregon have been using the same sanctioning matrix for nearly 20 years, which provides a list of appropriate sanctions based on the parolee's level of supervision and the severity of the violation; and officers have the discretion to choose from among them.

Parole administrators should be working with parole officers to determine appropriate sanctions for violations. Based on our analysis, having parole administrators work with parole officers to determine sanctions is positively associated with implementing the 13 Strategies. In fact, offices that take this approach are more than 13 percent more likely to have implemented the strategies than offices where this is not the case. And, encouragingly, 80 percent of respondents report that the parole officer determines appropriate sanctions with the help of the office supervisor (see table 3.7).

### **BOX 3. EXEMPLAR: THE JEFFERSON FIELD OFFICE, GEORGIA**

What does parole supervision look like in a field office that has implemented all 13 Strategies highlighted in this report? This question is difficult to answer since very few states or jurisdictions have implemented them all. In fact, fewer than 20 respondents report having implemented all of them. Indeed, while the best practices identified in *Putting Public Safety First* reflect an emerging consensus among parole practitioners, the field as a whole is just beginning to adopt behavioral change models of supervision.

In Georgia, there was a high level of adoption across field offices and one office in particular that exemplified the approach outlined in *Putting Public Safety First*—Jefferson, Georgia. Gamett Tate, chief parole officer in Jefferson, recognizes the transformational effect of EBPs and has implemented many of the strategies. From tailoring conditions of supervision to focusing on high-risk parolees, the field office in Jefferson is ahead of the curve.

(continued)

**Box 3. (CONTINUED)**

Underlining the approach in Jefferson is a commitment to effecting behavioral change and improving reintegration outcomes for ex-offenders. To accomplish this goal, administrators and line officers work collaboratively to effect behavioral change and encourage prosocial behavior using EBPs and other practices among the 13 Strategies. Specifically, parole officers engage parolees in the development of supervision case plans using techniques such as motivational interviewing and tailor conditions of supervision based on parolees' unique criminogenic risk and need factors. Officers are encouraged to use incentives such as certificates of achievement as well as earned early discharge. These "success reinforcers" improve the relationship between the parolee and the parole officer and develop parolee buy in. As a result, the Jefferson field office consistently ranks among the state's top 10 completion rates. In Tate's words, "We still keep public safety in mind but we can accomplish that mission by working with parolees to address their weaknesses and issues. We don't want to revoke someone because they failed a drug test; the key to helping them succeed is a measured response."

To implement many of the 13 Strategies, parole administrators need the support of state leadership. In Georgia, parole supervision is the responsibility of the State Board of Pardons and Parole. Again from Tate, "I credit our parole board . . . they are willing to give us the tools we need to get our job done." Among the ways in which the Board of Pardons and Parole supports

"To have them buy into conditions you have to listen to the parolee, find out what their needs are, learn what their expectations are, what their goals are, find out what they've done wrong in the past and what they can do different this time. It's important to have a two-way conversation and a dialogue rather than just simply give them a list of conditions."

— GARNETT TATE, CHIEF PAROLE OFFICER,  
JEFFERSON, GEORGIA

the adoption of EBPs and other best practices such as the 13 Strategies is providing field offices with a clear and focused mission, an effective case management system, an agency-wide focus on performance management, a supportive organizational culture, and a high degree of alignment across those elements. According to Danny Hunter, director of field services for the board, the state embraces a balanced approach to supervision, blending monitoring and enforcement with assistance, interventions, and treatment.

The Jefferson field office is successful in large part because it is able to harness available technologies to achieve its mission. Succinctly put by Chief Parole Officer Tate, "Our casebook is a laptop." According to Tate, every field office in the state of Georgia is part of a statewide database that tracks officer and agency success rates and other performance measures. This system increases transparency and accountability and allows administrators and line officers to evaluate themselves against their peers. In addition, the state uses a "high-profile indicator" that alerts parole officers when a parolee has changed addresses, lost a job, or failed a drug test. Information on these dynamic

**Box 3. (CONTINUED)**

risk factors flows top-down as well as bottom-up; parole officers are required to enter every parolee interaction into the database. Using this system, parole officers are able to intervene and prevent parole violations from occurring.

According to Hunter, the automated case management system also allows staff in the State Board of Pardons and Parole to conduct in-house research on Georgia parolees. This local focus enhances the power of the research by connecting it directly to the Georgia parolee population, and it helps officers learn what strategies and approaches are effective with their parolees. Parole officers use the system for their routine case management and record keeping, so the link between their work activities, parolee characteristics and behavior, and the outcomes achieved is direct and visible. The system is easy to use and transparent, allowing all staff real-time access that enables them to see what is happening locally, regionally, and statewide.

Perhaps the most important factor in whether a field office has implemented the 13 Strategies is culture and climate. The culture of the Georgia Board of Pardons and Paroles is mission driven and outcome focused. All staff are expected to be familiar with, review, and use outcome data to help them manage their caseloads, their field offices, their regions, and the agency as a whole. It is a culture of self-examination, greatly facilitated by the easy access to performance information throughout the agency. The focus on performance leads staff to explore and adopt best practices and EBPs because these will help them and the agency as a whole achieve better outcomes. Director Hunter noted that the culture reflects a high degree of "ownership and responsibility for accomplishing the agency mission" among the staff.

This commitment is reflected in the Jefferson field office where Chief Parole Officer Tate promotes learning by emphasizing listening, innovation, and cohesiveness—all of which were shown to be associated with the implementation of best practices in our analysis. According to Tate, "We utilize staff meetings to present best practices so that officers that are underperforming can listen and learn. Maybe this will open their eyes and help them think outside of the box. We can learn from everyone if we're willing to listen. We have to be open to new approaches." To effect real change, leadership must be willing to embrace change. Leaders such as Garnett Tate recognize this fact, clearly communicate the organization's mission, and position their agency to succeed. In the words of Tate, "After you do these things for so long, it's automatic. You know when a parolee walks in that's when the relationship begins."

Each of the elements described above, on its own, is an important component of an evidence-based approach to supervision. The elements gain real power, however, when they are in alignment, supporting one another and building synergy from the interactions between them. The Georgia board has aligned these critical factors and is realizing substantial gains in agency performance as a result. Not surprisingly, then, according to the results of the survey, field offices in Georgia report employing the 13 Strategies at a significantly higher rate than the national average.





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## Conclusion

**T**he results of the 2008 Parole Practice Survey are a reminder that there is no national parole practice: rather practices vary across and even within states when it comes to community supervision. The portrait of parole practice contained in this report provides insight into the current state of the parole field and some of the organizational factors that appear to account for the variation within it. There are both good news and indications of much work yet to be done. The good news is that reported use of and emphasis on evidence-based practice is widespread in parole. In particular, risk and needs assessments and sanctioning grids have become common tools of the trade in parole supervision. Despite the fact that very few jurisdictions have implemented all 13 Strategies identified in *Putting Public Safety First*, the field appears to be moving in that direction. On everything from tailoring conditions of supervision to place-based supervision, reported rates of use are encouraging:

At the same time, some of the results suggest that enthusiasm for these findings needs to be tempered. Many parole administrators believe that they do not receive the support they need to implement evidence-based practices, with less than half the respondents reporting that they get the training or the financial and staff resources necessary. Many respondents also expressed considerable uncertainty over what EBPs mean in parole.

Findings from our analysis of the survey results shed light on some of the organizational factors that affect the adoption of EBPs and the 13 Strategies. The culture of parole offices matters, with more innovative, cohesive, and achievement-oriented office cultures more likely to adopt EBPs and practices consistent with the 13 Strategies. The professional background of parole administrators matters, with those having experience in social services, public health, and other behavioral sciences more likely to adopt such practices. Finally, rural and urban offices approach parole supervision and the implementation of the strategies differently, with rural offices more likely to emphasize interpersonal approaches such as balancing treatment and surveillance goals.

A note of interpretative caution is also necessary regarding these results. While it seems clear that the overall field of parole supervision is increasingly likely to reflect EBPs and the 13 Strategies, it is difficult to ascertain from these results how ingrained these practices are in day-to-day parole operations. While some of the practices covered in the survey are concrete (such as the use of instruments for the assessment for risk and need factors), others are more akin to principles (such as balancing supervision and surveillance with enforcement priorities). Risk and need assessments have been part of parole supervision practice in many jurisdictions for almost three decades, giving parole administrators and officers greater familiarity along with the concrete and visible nature of the assessments. Balancing priorities in supervision not only is less tangible than adopting and using an instrument for risk and need assessment but also represents a philosophical approach to supervision that parole practitioners have only recently begun to embrace.

The ambiguity surrounding the implementation of the practices is significant; many offices report using the 13 Strategies or EBPs "most of the time" or "some of the time." And while many parole officers have valid reasons for varying the application of practices across parolees (such as assessed risk or family situation), many also have less valid reasons, such as the personal preferences. These caveats do not undermine the conclusions in this report but indicate that this analysis is a starting point, not an ending point, in the understanding of current parole practice.

## Implications for Practice

The survey findings have a number of implications for parole practitioners who are interested in advancing the 13 Strategies in their agencies:

- *Executive-level leadership of parole supervision must champion the 13 Strategies.* The 13 Strategies have the potential for transforming parole supervision if leadership commits to their principles and to their effective implementation. The importance of active, involved leadership cannot be overstated. Leaders at all levels of parole supervision agencies must "walk the talk" and demonstrate their commitment to change through deeds, as well as words.

- *Training and education of staff must be a priority.* The 13 Strategies require changes in the understanding and conduct of parole supervision. Leaders at all levels of the organization should focus human and financial resources on training staff in the implementation and use of the 13 Strategies. Staff at all levels should be given adequate time to learn, practice, and master a range of new skills.
- *Leaders must work to build positive organizational cultures that foster the adoption and institutionalization of the 13 Strategies.* Leadership at all levels of parole supervision should work to build positive cultures that emphasize behavior-change approaches and evidence-based practice.
- *Implementation efforts must go beyond the increasingly common organizational-level best practices such as risk and need assessment and sanctioning grids to include case-management practices.* Both case-management and organizational elements are essential to a behavioral change model of parole supervision. Case-management practices such as involving parolees in the supervision process, providing incentives and rewards, and engaging informal social controls hold some of the greatest potential for motivating parolees and effecting change in their behavior.
- *Parole supervision agencies must identify, assess, hire, and promote staff—particularly supervisors and managers—who believe in the core mission and balanced approach to supervision.* Implementation of best practices will be easier if the workforce supports the model embodied in the 13 Strategies. In part, hiring staff with backgrounds in human service fields will help institutionalize best practices.
- *Agencies should measure their performance relative to the 13 Strategies.* As more and more agencies begin to implement the strategies, it will be critical for the field to evaluate their effectiveness relative to reducing recidivism. It will also be necessary to measure implementation of the strategies to determine that they are being put into practice.
- *Line staff and administrators in the field offices should commit to principles embodied in the 13 Strategies and their sustained practice.* Leadership at the state level frequently changes, and, as a result, staff in the field offices, which turn over less often, must be committed to implementing and sustaining change. Line staff and administrators should work to build organizational cultures that will last through changes in regional and state leadership.

The 13 Strategies form the building blocks of an approach to parole supervision that balances surveillance and treatment, builds and sustains parolee engagement in behavioral change, and strategically allocates scarce resources. While the survey results highlighted in this report suggest that much work remains to be done in bringing parole supervision, as actually practiced, in line with the 13 Strategies, there is considerable ground for optimism. The results make it clear that the field is further along in its implementation of the strategies than previously thought, and it appears that the principles of a supervision model of behavioral change are beginning to spread throughout the parole field.

## CONCLUSION

Indeed, it appears that parole supervision has entered a period of change. The survey results reveal that a transition has begun in the field offices away from a sole reliance on monitoring and surveillance toward a growing, albeit uneven, commitment to evidence-based practice and the 13 Strategies. Interestingly, this change seems to be occurring somewhat out of view but alongside and probably drawing from a much larger national conversation about prisoner reentry and the importance of embracing research-driven strategies that support behavioral change, desistance from crime, and reduction of recidivism. If nothing else, these results indicate that many of the concepts in *Putting Public Safety First* and the principles of effective intervention are beginning to take root across the country.

The next step is the hard work of implementation: that is, ensuring that the 13 Strategies and other EBPs are being implemented with fidelity to their design, that parole staff are trained to use them and supported and reinforced in doing so, and that performance is rigorously measured. As these practices are supported, sustained, and spread, parole can continue moving toward a full realization of its mission to deliver public safety and change the behavior of parolees.



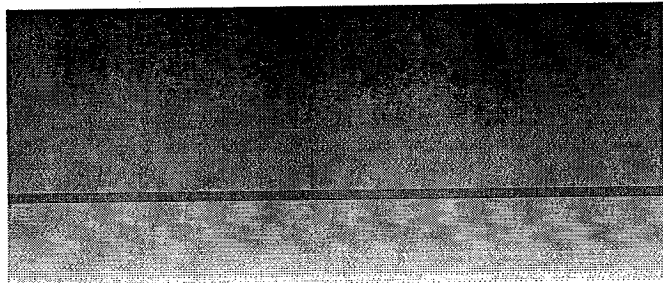
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Appendix A  
*Parole Practices Survey Form*

RETURN  
TO

The Urban Institute  
Justice Policy Center  
2100 M Street, NW  
Washington, DC 20037  
Fax: 202-659-8985

## 2008 REGIONAL PAROLE SURVEY

In correspondence about this survey, please refer to the number at the top left of the address label. (Below, please correct any error in contact information.)

### RESPONDENT INFORMATION

What is your full name? \_\_\_\_\_

What is the title of your position? \_\_\_\_\_

Organizationally, who does your office report to? [check all that apply]

- Governor/Chief Executive  
 Other Executive Agency Director  
 Commissioner/Director of Corrections or Parole  
 Deputy Director of Corrections or Parole  
 Chair of Paroling Authority  
 Administrative Judge/Judiciary  
 Other (specify) \_\_\_\_\_

### ADMINISTRATORS' BACKGROUND

Have you worked in any of the following organizations or work settings? (check all that apply)

- Prisons/jails  
 Law enforcement  
 Prosecution  
 Substance abuse treatment  
 Probation/parole  
 Military  
 Health provider  
 Social work  
 Other (specify) \_\_\_\_\_

How long have you been employed in your current organization? \_\_\_\_\_

How long have you been employed in the parole field? \_\_\_\_\_

This survey was prepared under grant 2005-RE-CX-K148 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime.



**1. Structure/Leadership of Office**

*[questions relate to the office(s) or facilities that you are directly responsible for]*

**Size of office**

- 1a. How many full-time parole officers are currently employed under this office? \_\_\_\_\_
- 1b. How many part-time parole officers are currently employed under this office? \_\_\_\_\_
- 1c. How many parole field/satellite/district offices are under your jurisdiction? \_\_\_\_\_
- 1d. How many custodial facilities (where parolees are detained) are under your jurisdiction? \_\_\_\_\_
- 1e. How many parolees are supervised by the office(s) in your jurisdiction? \_\_\_\_\_
- 1f. How many new people does the office(s) under your jurisdiction receive on average each month? \_\_\_\_\_

**Administrators' use of EBPs**

- 1g. Does your office employ evidence-based practices (EBP)?  
[EBPs are practices that have been supported and verified by research to achieve desirable outcomes.]  
 Yes  No  Unsure  
If yes, please briefly describe which EBPs your office employs and how they are used.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- 1h. How much emphasis does your office place on promoting EBPs?  
 No emphasis  Minimal  Moderate  
 Great  Very great  Unsure
- 1i. How much do you agree with the following statement?  
*My office always uses evidence-based methods of supervision*  
 Strongly disagree  Disagree  
 Neither agree nor disagree  Agree  
 Strongly agree  Unsure

**2. Administrator Perceptions of the Agency**

**Mission**

How much do you agree that the following statements reflect a PRIMARY mission of your office?

	Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly agree	Unsure
2a. Promotes and enhances public safety	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2b. Provides surveillance of offenders as a primary way to promote public safety	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2c. Focuses primarily on rehabilitating offenders and changing offender behavior	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2d. Provides restitution to victims	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Collaboration**

- 2e. In achieving your mission, how important is successful interagency collaboration and partnerships?  
 Very important  Important  Somewhat important  Not important  Unsure
- 2f. In achieving your mission, how important is collaboration with community members?  
 Very important  Important  Somewhat important  Not important  Unsure

**3. Culture and Climate**

How much do you agree with the following statements regarding the culture and climate of your office?

	Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly agree	Unsure
3a. Provides a climate for learning	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3b. Is a cohesive culture (e.g., most staff have the same perception of 'how we do business')	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3c. Is a performance achievement culture (e.g., there are common, tangible expectations about goals and benchmarks we aim to achieve)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3d. Is an innovative and adaptable culture (e.g., staff are encouraged to explore new, possibly more effective ways of doing business)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3e. Management emphasizes quality service provision (e.g., supervisors focus more on providing appropriate services than on simply number of contacts per client)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3f. Staff are empowered (e.g., staff feel that they can approach their supervisors with ideas and concerns)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**4. Training and Resources to Support EBPs**

- |  |   |
|--|---|
| <p>4a. Are you receiving the financial support you need to employ EBPs (i.e., training, technology, consultant support)?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unsure <input type="checkbox"/> Not applicable</p> <p>4b. Do you have the staffing levels you need to employ EBPs?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unsure <input type="checkbox"/> Not applicable</p> | <p>4c. Do you have training development opportunities you need to employ EBPs?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unsure <input type="checkbox"/> Not applicable</p> <p>4d. Are you receiving support from your agency management to employ EBPs?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unsure <input type="checkbox"/> Not applicable</p> |
|--|---|

**5. Interaction with Other Agencies****Contact with Other Resources**

	Never	Monthly or less	2 to 3 times a month	Weekly	2 or more times a week	Unsure
5a. How often do you interact with the paroling authority (e.g., releasing authority)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5b. How often do you interact with law enforcement?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5c. How often do you interact with service providers (e.g., workforce development agencies, local businesses, housing, substance abuse, mental health, and victims)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Satisfaction with Agencies and Resources**

	Unsatisfied	Somewhat unsatisfied	Neutral	Somewhat satisfied	Satisfied	Not applicable
5d. How satisfied are you with your relationship with the paroling authority?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5e. How satisfied are you with your relationship with law enforcement?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5f. How satisfied are you with your relationship with service providers and community resources (e.g., local businesses, housing, substance abuse, mental health, and victims)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**6. Supervision Policies and Practices**

**Developing Release Plans**

6a. Is your office responsible for developing reentry plans before release?

Yes  No  Unsure

If not, who has the authority?

- Paroling authority  
 Department of Corrections (DOC)  
 Parole supervision central office(s)  
 Institutional parole offices  
 Other (specify) \_\_\_\_\_  
 No one/not applicable

**Setting and Modifying Conditions**

6b. Is your office responsible for setting and modifying conditions of supervision?

Yes  No  Unsure

If not, who has the authority?

- Paroling authority  
 Department of Corrections (DOC)  
 Parole supervision central office(s)  
 Other (specify) \_\_\_\_\_

6c. What types of monitoring does your office provide? (check all that apply)

- Home visits  
 Worksite visits  
 Telephone monitoring  
 In-person office visits  
 Electronic monitoring and/or global positioning systems  
 Kiosk supervision  
 Other (specify) \_\_\_\_\_

**Tailoring Conditions of Supervision**

6d. Does your office tailor conditions of parole supervision for individual parolees?

Never  Some of the time  
 About half of the time  Most of the time  
 Always  Unsure

**Frontloading Resources**

6e. Does your office make an effort to concentrate resources and supervision for parolees at the time of release and during the first few days and weeks after release?

Yes  No  Unsure

**Providing Incentive-Oriented Parole**

6f. Does your office provide incentives (for example, reduced reporting requirements or awarding certificates of achievement) for meeting case-specific goals of supervision, such as keeping a job or staying sober?

Yes  No  Unsure

Please provide example(s): \_\_\_\_\_

6g. Does your office allow parolees to earn their way off parole (early discharge) for meeting case-specific goals?

Yes  No  Unsure

**Assessing Criminogenic Risk and Need Factors**

6h. Are you currently using any instrument(s) to assess criminogenic risks or need factors of parolees?

Never  Some of the time  
 About half of the time  Most of the time  
 Always  Unsure

If yes, which assessment instrument(s) is used? \_\_\_\_\_

6i. Has the instrument been empirically validated?

Yes  No  Unsure  Not applicable

If yes, when and how has it been validated? \_\_\_\_\_

**Focusing on High-Risk Offenders**

6j. Does your office focus additional supervision resources on those who are identified as high risk (in contrast to equal amounts of resources dedicated to all parolees regardless of risk level)?

Yes  No  Unsure

**Developing Plans that Balance Supervision and Treatment**

6k. Do supervision requirements and activities routinely incorporate the parolee's treatment needs as well as surveillance and enforcement priorities?

Never  Some of the time  
 About half of the time  Most of the time  
 Always  Unsure

**Supervising Parolees to Enhance Their Engagement**

6l. Does the parolee play a role in the development of supervision goals and case plans?

Never  Some of the time  
 About half of the time  Most of the time  
 Always  Unsure

6m. Does your office use Motivational Interviewing?

Never  Some of the time  
 About half of the time  Most of the time  
 Always  Unsure

**Engaging Informal Social Controls**

6n. Do parole officers in your office involve significant others in the parolee's life and community to assist the parolee in developing supervision goals and achieving positive outcomes?

Never  Some of the time  
 About half of the time  Most of the time  
 Always  Unsure

**Assigning Neighborhood-Based Supervision**

- 6o. Does your office assign officers to specific geographic areas and/or satellite offices physically located in the neighborhood where parolees reside?
- Yes  No  Unsure

**Defining Success as Recidivism Reduction and Measuring Performance**

- 6p. Does your office have the goal of reducing recidivism among parolees?
- Yes  No  Unsure

- 6q. How does your agency define recidivism? (Check all that apply)

- Technical violation  
 New arrest  
 Reconviction  
 Re-incarceration  
 Other (specify) \_\_\_\_\_  
 None of the above  
 Unsure

- 6r. Does your agency track recidivism rates of parolees under supervision?

- Yes  No  Unsure  Not applicable

- 6s. Does your agency track recidivism rates of former parolees no longer under active supervision?

- Yes  No  Unsure  Not applicable

If yes, for how long after discharge from parole? \_\_\_\_\_

**7. Policies and Practices in Response to Infractions**

- 7a. Which of the following best describes the parole violations filed by your office? (Check one)

- The majority result from technical violations (TVs)  The majority result from new arrests  
 It is about even (half TVs, half new arrests)  Unsure

Available sanctions to respond to *technical violations* (not including parole violations for new crimes that are not characterized as TV's)

- 7b. Does your office use the following sanction?

- 7c. If yes, how frequently? (Check one)

Yes	No	Unsure	Sanction	Rarely	Occasionally	Often
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Apology (written or verbal)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Written essay/ thinking report	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Community service	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Mediation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Loss of privileges (driving, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Curfew	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Reprimand	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Electronic monitoring	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	House arrest	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Boot camps	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Incarceration-jail	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Incarceration-prison	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Substance abuse treatment-residential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Substance abuse treatment-community-based	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Mental health treatment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Day reporting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other sanction (specify) _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

- 7d. In your office, are sanctioning grids or guidelines used to determine appropriate sanctions?

- Yes  No  Unsure

- 7e. In your office, who is responsible for determining appropriate sanctions for infractions?

- Parole officer alone  Paroling authority  
 Parole officer with office supervisor  Higher-ranking supervisor  
 Other (specify) \_\_\_\_\_

Thank you for participating in this survey. We will also be conducting brief telephone interviews with select field offices. If you are willing to participate in a brief phone call to discuss current practices in your office, please check here.

We appreciate your time and will be sure to send you a report with the findings in a few months.



## Appendix B

### *Parole Field Office Sample by State*

State	Respondents		Total Sample	
	Offices	Percent of total	Offices	Percent of total
Alaska	7	0.9	13	0.8
Alabama	13	1.7	62	4.0
Arizona	15	2.0	18	1.2
Arkansas	44	5.9	48	3.1
California	60	8.0	164	10.6
Colorado	5	0.7	19	1.2
Connecticut	2	0.3	4	0.3
Delaware	5	0.7	5	0.3
District of Columbia	0	0.0	1	0.1
Florida	4	0.5	20	1.3
Georgia	35	4.7	49	3.2
Hawaii	3	0.4	5	0.3
Idaho	3	0.4	7	0.5
Illinois	11	1.5	26	1.7
Indiana	6	0.8	8	0.5
Iowa	11	1.5	37	2.4
Kansas	8	1.1	18	1.2
Kentucky	10	1.3	19	1.2
Louisiana	13	1.7	20	1.3
Maine	3	0.4	4	0.3
Maryland	24	3.2	40	2.6

## APPENDIX B

State	Respondents		Total Sample	
	Offices	Percent of total	Offices	Percent of total
Massachusetts	5	0.7	8	0.5
Michigan	46	6.1	85	5.5
Minnesota	17	2.3	78	5.0
Mississippi	2	0.3	10	0.6
Missouri	42	5.6	55	3.5
Montana	14	1.9	22	1.4
North Carolina	13	1.7	45	2.9
North Dakota	4	0.5	14	0.9
Nebraska	5	0.7	7	0.5
Nevada	4	0.5	9	0.6
New Hampshire	4	0.5	11	0.7
New Jersey	4	0.5	11	0.7
New Mexico	11	1.5	27	1.7
New York	7	0.9	15	1.0
Ohio	10	1.3	19	1.2
Oklahoma	4	0.5	6	0.4
Oregon	22	2.9	31	2.0
Pennsylvania	44	5.9	74	4.8
Rhode Island	0	0.0	9	0.6
South Carolina	37	4.9	46	3.0
South Dakota	10	1.3	10	0.6
Tennessee	29	3.9	41	2.6
Texas	15	2.0	65	4.2
Utah	5	0.7	23	1.5
Vermont	5	0.7	12	0.8
Virginia	33	4.4	42	2.7
Washington	29	3.9	50	3.2
West Virginia	4	0.5	16	1.0
Wisconsin	34	4.5	99	6.4
Wyoming	10	1.3	23	1.5
Total	751	100	1550	100



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571