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# Supervision in the Community: Probation and Parole FREE

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## Summary

Over the past half-century, the number of adults under criminal justice supervision increased precipitously in some Western countries, with carceral control in the United States reaching an unprecedented scale. While much of the scholarly attention has been focused on the development of mass incarceration, new research focuses on the parallel expansion of *mass probation* and, more broadly, *mass supervision*. In the United States, the number of adults on probation and parole supervision increased from one million in 1980 to a peak of nearly 5.1 million in 2007, more than double the number of inmates in local, state, and federal jails and prisons. Estimates from Europe in the late 2000s suggest that there were approximately 3.5 million on community sanctions, compared to 2 million incarcerated. Individuals on these sanctions serve out their initial sentences (or remaining time after release from jail or prison) while residing in the community under the supervision of a probation or parole officer.

As scholarship increasingly focuses on the expansion of community supervision, we are learning more about this form of punishment. Probationers and parolees are subject to a variety of conditions, including reporting regularly to their supervising officers, finding and maintaining employment, avoiding drug use and re-arrest, participating in therapeutic programs, and paying fines and fees. Failure to comply with the demands of supervision may result in variety of penalties, up to a return to custody for the entire length of the suspended prison sentence. Thus, while probation and parole are often framed as acts of leniency—allowing individuals to avoid incarceration and/or exit early—they can be experienced as quite punitive. In other words, the official discourses and everyday practices of supervision blend both punitive and rehabilitative elements. The composition of this blend varies significantly across countries, states, local departments, individual officers, and the officer-supervisee relationship. This variation has produced a kaleidoscope of different practices, all under the banner of community supervision.

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## Defining Community Supervision: Leniency or Control?

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Community-based forms of punishment are a “slippery fish” (Raynor, 2007), difficult to define conceptually and empirically. This banner sometimes includes fine-based programs, community service, pre-trial supervision and court-based monitoring, specialized court programs, day reporting centers, half-way houses, and even local jails. As Robinson, McNeill, and Maruna (2013) note, even the term is contentious. While the United States tends to prefer the nomenclature of “community corrections,” this presupposes a correctionalist (or penal-welfarist or rehabilitative) framework. The official data collection for Europe uses “community sanctions and measures,” defined as any form of restriction of liberty “outside a prison” (Council of Europe, 2010). This contention over naming practices highlights the key ambiguity of community supervision: is it a form of leniency or simply another mechanism of criminal justice control?

In this essay, we adopt the terminology of community supervision, focusing in particular on *probation* and *parole*. Although specifications vary across states within the United States, probation is generally defined as a court-imposed sanction that serves as the primary form of punishment or supervision for a criminal conviction (both misdemeanor and felony offenses). In contrast, parole tends to be imposed as a condition of release from prison (either as a legislatively mandated period of post-release supervision or as the condition for early release granted by a parole board). As a result, parolees tend to be convicted of more serious felony offenses (Petersilia, 2003). In practice, however, these two categories are often blurred, as probationers often spend some period of time in jail (and, in some places, prison) before release to probation (Taxman, 2012).<sup>1</sup> In addition, both forms of supervision are often administered by the same bureaucratic offices (and, in some places, officers), and the demands of community supervision are often similar (Klingele, 2013). Across Europe, probation is often used as the default term for community supervision (with supervision under a suspended custodial sanction differentiated from conditional release), although there is tremendous variation across countries in the definition and use of such sanctions (McNeill & Beyens, 2013).

While precursors such as suspended sentences, suretyship, and clemency existed in Europe beforehand (Cavender, 1982; Simon, 1993), modern community supervision emerged at the turn of the 20th century. Supervision in the community, as an alternative to prison, was a key piece of “penal modernism,” a penal regime that emphasizes the state’s responsibility to reform penal subjects (Garland, 1985). In the United States, probation’s initial emergence is credited to a Boston businessman, John Augustus, who argued that certain individuals (namely chronic drunkards) could be safely supervised in the community and reformed through the guidance of trusted community bondsmen (Logan, 2003; Vanstone, 2004). Throughout the century, community corrections (alongside other forms of punishment) in the United States and in parts of Europe professionalized, moving from informally trained community volunteers to a “scientific” model of professional staff trained in the diagnosis and treatment of criminal offending (Blomberg & Lucken, 2000). Although the practices of probation and parole rarely (if ever) matched this lofty rhetoric, community supervision was a key piece of reformers’ calls in the Progressive Era and the correctionalist reform efforts of the 1950s and 1960s in the United States (Rothman, 2002).

As early as the 1960s, criminologists began to question whether community supervision represented a true *alternative* to imprisonment rather than simply another form of control. Researchers in Canada led the charge, showing that as community supervision expanded in the 1960s and 1970s, prison populations also increased (Chan & Ericson, 1981; Hylton, 1981; though see rebuttal by McMahon, 1992). In the United States, researchers including Thomas Blomberg (1977), Andrew Scull (1984), and others (Garland & Young, 1983; Klein, 1979; Lemert, 1981; Lowman, Menzies, & Palys, 1987) argued that community-based punishment produced *net widening*, expanding the scope of control for lower-level cases, rather than providing a true diversion for prison-bound cases.<sup>2</sup> In a classic book entitled *Visions of Social Control*, Stanley Cohen (1985) argued that community supervision represented a Foucauldian “dispersal of discipline,” bringing the state directly into communities (see also Austin & Krisberg, 1981).

In the intervening decades, there has been a mass expansion in penal control as, ironically, this conversation about probation as an alternative or extension of control went quiet (McNeill, 2013; Phelps, 2015). Between 1980 and its peak in 2007, the number of adults under probation supervision in the United States grew from 1.1 to 4.3 million, while parole populations ballooned from 220,400 to 826,100 (Bureau of Justice Statistics, 2016). Even after modest declines in the probation and prison populations in recent years, 56% of the 6.7 million adults under criminal justice supervision in the United States were on probation by 2015, and another 13% were under parole supervision. This translates to a rate of 1 in 53 adults on community supervision (Kaebele & Glaze, 2016).

Although the United States remains exceptional in its rates of penal control, *mass supervision*—or the expansion of community sanctions—developed across Europe as well (Robinson et al., 2013). The U.S. probation rate stands at more than five times the average across European countries (Alper, Corda, & Reitz, 2016), while the parole rate is four times the European average (Corda, Alper, & Reitz, 2016). Some states in the United States, including Pennsylvania, Arkansas, and Louisiana, have parole rates that are more than ten times the European average (Corda et al., 2016). Yet community control has increased across Europe as well and is the most prevalent form of supervision; recent estimates suggest that by the late 2000s, there were approximately 3.5 million Europeans on community sanctions, compared to 2 million incarcerated (Durnescu, 2008). In addition, it is clear that community supervision is not simply an alternative sanction to spare adults from prison: 7 out of 10 European countries with the highest prison populations also had the highest rates of community supervision in 2010 (Aebi, Delgrande, & Marguet, 2015).

At the same time that the number under community control expanded, the dominant discourses and logics of the criminal justice field grew more punitive, leading scholars to propose that penal modernism had been replaced with a distinct “post-modern” or “neo-liberal” mode of punishment (Garland, 2001; Hallsworth, 2002; O’Malley, 2015; Wacquant, 2009). Jonathan Simon (1993) argues that, in this context, community supervision moved from a clinical model of assessment and treatment to a “managerial” model, concerned primarily with sorting and managing bundles of risk rather than transforming individuals (see also Feeley & Simon, 1992). While practices on the ground have, in many cases, retained much of the structure of rehabilitation while adapting to the new discourses (Lynch, 2000; Robinson, 2002; Robinson & Raynor, 2006; Werth, 2016), this shift unquestioningly coincided with an increase in the number of community supervisees revoked and imprisoned for supervision

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violations in the United States (Caplow & Simon, 1999). In Europe, data on revocation is sparser, but there is some evidence of increased breach rates in recent years in some Western European countries (see, e.g., Padfield, 2010; Robinson & Ugwudike, 2012; Scottish Prisons Commission, 2008; Weaver, Tata, Munro, & Barry, 2012).

As scholars increasingly attend to this boom in community penalties in recent years, a consensus is emerging that probation and parole impose substantial burdens on supervisees, represent an important form of social control, and ought to be applied sparingly (Durnescu, 2011; Doherty, 2016; Klingele, 2013; McNeill & Beyens, 2013; Phelps, 2017; Scott-Hayward, 2011). In the U.S. context, researchers have argued that recent moves to scale back imprisonment rates should be coupled with efforts to minimize the probation and parole populations and increase successful completion rates (Clear & Frost, 2013; Lin, 2010; Phelps, 2013). Community supervision, in other words, is a crucial dimension of excessive punishment, but can also be a part of the move to downsize the carceral state. As countries reconsider their policies (and, in some cases, struggle to maintain moderate rates of punishment), community supervision has thus become a core penal concern.<sup>3</sup>

This article provides an overview of community supervision. We focus primarily on the United States and, to a lesser extent, countries across Europe. Our discussion is organized around four key areas: variation in the structure and scale of control, the experience of supervision, violations and revocations, and recent reforms and “best practices” in supervision.

## Variation in the Structure and Scale of Control

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### U.S. Variation

In the United States, rates of probation supervision are deeply skewed by race, gender, and class. These disparities, together with the massive scale of supervision, define *mass probation*. At its peak in 2007, probation departments reported more than 4 million adults under supervision at the end of the year, representing 1 in every 21 black adults (and 1 in 12 black men) compared to the national average of 1 in 53 adults (Phelps, 2017). Data from household surveys of the non-institutionalized population from that same time period (2002–2006) reveal that roughly 19% of young black men (aged 20–34) without a high school diploma reported having been on probation at some point in the prior year, compared to 12% of white men of the same age and education status (Phelps, forthcoming).

Using the same data sources, we see that parole is less prevalent, but even more socially concentrated. By the end of 2007, 1 in every 85 black adults (and 1 in 43 black men) were on parole (compared to the national average of 1 in 277 adults).<sup>4</sup> In household surveys from the early 2000s, roughly 13% of young black men without a high school diploma reported having been on parole in the following year, compared to 4% of white men of the same age and education status.<sup>5</sup> Much of this disparity reflects the composition of the prison population (since most prisoners are ultimately released), although research indicates that after controlling for legal and sociodemographic characteristics, black prisoners are less likely to receive conditional release and wait longer to be released than whites (Bradley & Engen, 2014; Huebner & Bynum, 2008).

The use and structure of community supervision varies from place to place as well. Probation supervision is administered by a single state agency in some jurisdictions, but in others the process is entirely decentralized, with a multitude of local agencies responsible. Moreover, the supervisory branch of probation varies, with more than half of states operating probation out of the department of corrections, and the rest split between a state-level judicial structure, local corrections or judicial offices, and/or a mix of state and local agencies (Petersilia, 2002). The federal system also maintains probation supervision offices across the country. To illustrate the chaos, there were 460 separate state, county, or court probation agencies that reported data to the Bureau of Justice Statistics in 2015 (Kaeble & Bonczar, 2016).

There is more consistency for parole, which is typically housed in states' departments of corrections. However, the structure of parole releases varies considerably. In 1970, every state in the United States followed an indeterminate sentencing model, which gave parole boards tremendous discretion in deciding when to release an inmate (Rengifo & Stemen, 2012; Tonry, 1998). In the turmoil of the 1970s, states moved toward a more determinate structure (with sentencing guidelines set by the legislature), which stripped parole boards of much of their power (Ireland & Prause, 2005; Rengifo & Stemen, 2012). Today, about half of states have a mixed model, where some offenses are eligible for early release through parole board decisions, while those remaining are split between determinate and indeterminate models.<sup>6</sup> In determinate states, some retain parole supervision for (at least some) individuals, typically those who were sentenced prior to the passage of the determinate sentencing reform and individuals with life sentences (Alper, 2016). Despite the curtailing of discretionary release during the past few decades, parole supervision is still "alive and well" and even expanding in many states (Ruhland, Rhine, Robey, & Mitchell, 2016). At the federal level, early release through parole ended in 1984, but most prisoners are still supervised in the community post-release (Petersilia, 2003; Scott-Hayward, 2013).

Alongside this structural variation are massive differences in the use of community supervision as a means of correctional control. In jurisdictions such as Rhode Island, Minnesota, and Georgia, over 85% of the total correctional population (which includes probation, parole, prison, and jail totals) is under community supervision. On the opposite end of this spectrum, states like Oklahoma, Nevada, and Virginia have 50% or less of their reported correctional populations under community supervision (Kaeble & Glaze, 2016). States also vary on the absolute scale of control, with the community supervision rate ranging from a low of 1 in 169 adults in New Hampshire to a high of 1 in 17 in Georgia (Kaeble & Bonczar, 2016). Georgia is such an outlier that the state's probation supervision rate alone is greater than the *total* rate of criminal justice control in all other states (Rabuy & Wagner, 2016).

Much of this variation is driven by the decoupling of probation and imprisonment rates; as both forms of supervision expanded, some states came to specialize in probation or prison, while others saw massive growth or relative restraint in both (Phelps, 2017). Of particular theoretical and policy importance are states like Minnesota and Washington, which are hailed as hold-outs to the punitive trend (e.g., Barker, 2009), yet controlled prison growth only through rapid expansions in probation. On the other side, some high-incarceration states under-report misdemeanor probationers supervised through local channels, which exaggerates the disconnect between probation and incarceration rates (Phelps, 2017). This

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work suggests that community supervision represents a unique (and under-studied) mode of punishment. Much remains to be done to understand the unique drivers and consequences of these multiple dimensions of penal control.

## Variation Across Europe

Following heavy criticisms of the use of imprisonment in the 1970's and 1980's, across Europe, community sanctions became the dominant form of punishment (Wiegand, 2002). The Council of Europe (an international organization representing 47 nations) adopted the European Rules on Community Sanctions and Measures in 1992, providing guidelines for fair community supervision practices. These guidelines include a legal framework for the implementation of community sanctions, rules for the structure of supervising authorities, and safeguards for the rights of supervisees. However, since these are recommendations and not a legal requirement, the implementation of these guidelines varies substantially across European nations (Morgenstern & Larrauri, 2013).

More broadly, the structure and use of community supervision in Europe is widely variable (Boone & Herzog-Evans, 2013). Decisions to impose community sanctions as a penalty for criminal offenses are typically under the authority of the judiciary in European jurisdictions,<sup>7</sup> which can be broadly categorized as belonging to common law or written law systems. In common law systems, community sentences are more autonomous, most often taking the form of a court order separate from a custodial sentence. In the written law or codified traditions of France, Germany, Greece, Italy, and Spain, community sentences are typically imposed as conditionally suspended prison sentences. Nonetheless, the lines between these two legal traditions are continually blurred as policymakers introduce reforms representative of both systems.

In the majority of European nations, the organizations that distribute community supervision are referred to as probation services. Some jurisdictions (including Finland, France, and Denmark) have combined prison and probation agencies under a central administration. Others have retained more localized structures, making probation a function of municipal or local government, sometimes integrated within other social or human services (e.g., Scotland). Austria and the Netherlands use non-governmental organizations to deliver community supervision services, but these agencies are primarily funded by the national Ministry of Justice (Durnescu, Enengl, & Grafl, 2013). In England and Wales, probation work has been privatized in recent years, with higher risk supervisees under the jurisdiction of the state's National Probation Service, while others are transferred to regional community rehabilitation companies (Robinson, Burke, & Millings, 2015).

As for parole, most European countries have a mix of mandatory and discretionary release systems. On opposing ends of this spectrum, Germany maintains a fully discretionary system, while Greece uses only mandatory release. In some jurisdictions, release decisions are implemented by an executive branch, such as a parole board or the prison administration. For example, England and Wales, Ireland, and Scotland delegate most release decisions to a quasi-judicial parole board, while Belgium's prison administration decides release for offenders serving sentences of three years or more. Some nations, including France, Belgium, Spain, and Italy, have specialized sentencing implementation courts to oversee release

decisions and supervision (Boone & Herzog-Evans, 2013). These courts are independent judiciaries, insulated from political pressures, unlike parole boards in the United States, which are typically staffed by executive appointments (van Zyl Smit & Corda, forthcoming).

European variation in the scale of community supervision mirrors the complexity of the American system. In 2010, reported community sanction rates ranged from a low of 1 in one million inhabitants in Serbia (reporting a total of 10 community supervisees) to a high of 1 in 140 inhabitants in Georgia. As for the ratio of individuals sentenced to community sanctions versus prisoners, countries in Europe run the gamut from nearly zero community supervisees to having the majority of the criminal justice population supervised in the community rather than behind bars (Aebi et al., 2015). If we look just at parole, Turkey alone accounts for 46% of the 2013 parole population in Europe, with a rate of one parolee for every 358 adult residents, while Serbia, Cyprus, and Bulgaria report rates approaching zero (Corda et al., 2016).

As in the United States, community supervision in Europe is socially concentrated, with the majority of supervisees being young, male, and economically disadvantaged (Durnescu et al., 2013). A key difference, however, is the high prevalence of black (or African American) adults under supervision in the United States, driven by the legacies of slavery and the ongoing racialization of criminal justice (Alexander, 2012; Blackmon, 2008). This is not to suggest that racial and ethnic disparities are absent across Europe, but research has been more sparse. Recent evidence suggests that foreign nationals, a group once ineligible for community supervision in most nations, are increasingly contributing to probation populations in some jurisdictions. From 1996 to 2011, the percentage of foreign nationals on community service increased by 16% in Switzerland, a common destination for migrants to Europe (Bundesmat für Statistik, 2012). Moreover, one study of parole release in France found that foreign offenders benefited less than French citizens from parole and other early release decisions when convicted of comparable offenses (Tournier & Robert, 1992).

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## Experiencing Supervision

### U.S. Exceptionalism

As noted above, much of the theoretical literature on community supervision takes as its starting point the *new penology* model, which argues that during the late 20th century, the dominant ethos of punishment transitioned from a focus on rehabilitating individual penal subjects to assessing and managing classes of “risky” persons, many of whom were drawn from a permanently disenfranchised “underclass” (Feeley & Simon, 1992). A widening body of research suggests, however, that this transition was more dramatic in the *discourses* of punishment than in its *practices*. Research spanning across the United States and much of Europe shows how community supervision adapted to the new punitive and managerial logics of punishment, while retaining aspects of the rehabilitative (or penal-welfarist) model in practice (Robinson et al., 2013). Much of this persistence is explained through the resistance of probation and parole officers, who continued to prioritize their own judgment and experience rather than risk assessment tools and other managerial practices (see, e.g., Lynch, 2000; Robinson, 2002; Robinson & Raynor, 2006; Werth, 2016).

Yet the experience of probation varies tremendously across place, as countries pursue contrasting models of community supervision. As a recent review noted, “Probation is compatible with restorative justice, rehabilitation, alternatives to incarceration, retribution, and incapacitation. In some jurisdictions, it is viewed as either enforcement (monitoring conditions assigned by the court) or social work (service provisions), or something between” (Taxman & Maass, 2016). Rhine and Taxman (forthcoming) outline five dimensions of international variation in probation, which include this overall mission or vision of probation, together with length of supervision, intensity of control, coerciveness of programming or treatment, and the consequences of violating probation. The United States has a particularly punitive approach to community supervision on each of these dimensions.

Probationers and parolees in the United States are typically subject to a list of 10 to 20 prohibitions (or “conditions”), including abstaining from drug use (and frequently avoiding alcohol and bars as well), avoiding contact with other felons, paying fines and fees, reporting regularly to the supervising officer, participating in required programming, finding or maintaining employment, and avoiding re-arrest (Corbett, 2015; Ruhland et al., 2016). These conditions are broad enough—and officers’ discretion wide enough—that they effectively amount to the exhortation to “obey all laws and be good” (Doherty, 2016; see also Klingele, 2013). This means that supervision is often a serious challenge to complete, particularly for poor and minority supervisees who face steeper barriers to success (Phelps, forthcoming). As a result, while probation is often framed in the public discourse as just a “slap on the wrist,” survey evidence often finds that defendants report preferring a short stint in jail or prison over a longer period of supervision on probation in the community (Armstrong & Weaver, 2013; Crouch, 1993; May, Wood, & Eades, 2008).

Moreover, supervisees face the stigma and collateral consequences of a criminal record, which can reduce their chances of successful outcomes in the community (Morenoff & Harding, 2014). While much of this literature focuses on felony offenses (and parolees), even misdemeanors can entail sharp penalties (Kohler-Hausmann, 2013; Natapoff, 2015). These “invisible punishments” include monetary fees and penalties; exclusion from public housing, social services, and public participation through voting; and bans on employment in certain sectors (e.g., healthcare) (Harris, 2016; Manza & Uggen, 2008; Petersilia, 2003; Travis, 2002). Individuals with a criminal record may also face discrimination from potential employers, lenders, and landlords (Pager, 2007). Additional barriers in some jurisdictions include the loss of parental rights, increased public accessibility to criminal history information, and difficulty in obtaining state documents such as a driver’s license (Petersilia, 2003). These reverberations of a criminal record are often felt not only by supervisees but their families and communities as well (Comfort, 2016; Harding et al., 2016; Western, Braga, Davis, & Sirois, 2015). More broadly, Lerman and Weaver (2014) argue that these processes of criminalization and control produce “custodial citizens” who disengage from civic and political life, harming the full social inclusion that is central to our democratic process.

In addition, probationers and parolees in the United States are often provided with few supportive services that would help to address these challenges, and many supervisees’ pre-existing histories of trauma, addiction, unstable housing arrangements, and under-employment (Petersilia, 2003; Taxman, 2012). A recent survey found that, among community corrections agencies, a minority of agencies offered drug treatment courts (20%), transitional housing (24%), or vocational training (23%). An even smaller percent of the average daily



population participated in these programs (Taxman, Perdoni, & Harrison, 2007). In another survey of 21 parole agencies, 14 provided job development opportunities, 8 offered detoxification services, and 12 substance abuse treatment, while all reported drug testing (Camp & Camp, 2000). As Miller (2014) reports, much of the actual provision of services for supervisees has moved out of the state's control and into "therapeutic spaces, church basements, and community centers of the inner city" (p. 308), a process he terms "carceral devolution."

Despite this lack of state services, parole and probation officers continue to espouse rehabilitative logics. To address this cognitive dissonance, officers construe supervisees as neoliberal subjects who are responsible for providing the means of their own reform. This framing produces supervisees who are "responsible yet precarious," requiring officers' "tough love" to move away from the "criminal lifestyle" (Lynch, 2000; Werth, 2013). Officers also use this framework to flex their discretion, using moralistic assessments of parolees' efforts toward compliance in the decision of whether or not to file a violation (Steen, Opsal, Lovegrove, & McKinzey, 2012).

Yet this national picture obscures as much as it reveals given the decentralization of punishment in the United States. States, local jurisdictions, and individual probation and parole officers may enact wildly different forms of supervision. Even within one office or a single officer's caseload, probationers and parolees often experience quite different degrees of supervision, ranging from close supervision and/or support on "specialized" caseloads (e.g., sex offender, drug court, or intensive supervision programs) to informal or "paper-only" or "fine-only" probation (which is managed in some cases by private fee-collection agencies). Most fall somewhere in between, with the average officer supervising caseloads of more than 100 (DeMichele, 2007; Kerbs, Jones, & Jolley, 2009).

## **Commonalities for Supervision in the Community**

Despite American exceptionalism (and variation within the United States), we can outline some commonalities for control in the community across the United States and Europe. Drawing on Gresham Sykes' model of the deprivations of imprisonment, Durnescu (2011) develops an account of the "pains of probation." Analyzing interviews with adults under community control in Romania, he finds multiple and overlapping pains, including deprivation of autonomy, private life, and time; financial costs; stigmatization effects; being forced to return to the subject of the crime; and the looming threat of revocation. These pains mean that probation supervision is often experienced as a punitive intervention (Fitzgibbon, Graebisch, & McNeill, 2016).

Ethnographic research reiterates these challenges and highlights the limits of "reentry" programming in the United States. These efforts seek to transform ex-prisoners into "'productive citizens'—rational, self-sufficient actors who demonstrate a willingness to seek out pro-social relationships, work the most available and immediate jobs, and submit to a lifelong process of introspection, re-evaluation, and change" (Miller, 2014, p. 308). Yet this process often denigrates these returning citizens, forcing them to accept a criminal identity as a person beset by "criminal thinking" errors, while providing few structural solutions to address severe material deprivation. As a result, supervisees often report both benefiting from—and actively resisting—the narratives foisted upon them by probation and parole officers

and social service providers (see also Werth, 2011, 2013).<sup>8</sup> Leverentz' (2010) study of women in a half-way house in Chicago, for example, shows the contradiction between the lessons of the house staff to avoid the "people, places, and things" associated with addiction and the lived reality of the women, whose primary sources of social and material support (their families and neighborhoods of origin) were inextricably linked to drug use.

A recent collaboration between researchers, practitioners, probationers, artists, and community members in Europe generated visual and audio media to describe the experience of supervision (Fitzgibbon et al., 2016). Organized by the Offender Supervision in Europe COST Action, the "Supervisible" project equipped probationers with cameras to document their experiences. In reflecting on their art, the photographers noted the constraints of supervision, including limits on their time, privacy, and autonomy, and (in some cases) the threat of prison. To the researchers' surprise, the most common images were those that resonated with the control typical of confinement (bars, chains, gates, etc.), as seen in Figure 1. Many of the images sought to convey the emotions of supervision, including fear, anger, hopelessness, and depression. Participants also frequently included images of garbage, developing a metaphor of their lives as "rubbish" or "all used up" (Fitzgibbon et al., 2016). Finally, some participants made use of images of walking figures or various pathways (often with some kind of constraint in the image), evoking the difficult journey of supervision and their potential for change, as illustrated in Figure 2.



**Figure 1.** "Uncaptioned" by LostGirlFound. LostGirlFound had completed probation successfully and become an advocate of system reform. Reflecting on the photo, she explained "a lot of the time I felt quite trapped on the supervision, I felt as if I was trapped because there was nobody to help me . . . and I was going down every day, I was trying everything to get support, and there was no services available for me at the time, so I felt quite trapped, and I felt trapped when I started going on a bit, trying to better myself, like when I was going to college I felt as if the supervision was trapping me and not letting me go forward in my life because I was still in supervision."

Source: Action IS1106 on Offender Supervision in Europe <<http://www.offendersupervision.eu/supervisible>>.



**Figure 2.** “Uncaptioned” by Elvis.

Source: Action IS1106 on Offender Supervision in Europe <<http://www.offendersupervision.eu/supervisable>>.

In addition, the photos were used to stimulate collaborative songwriting sessions, facilitated by Vox Liminis (a Scottish criminal justice non-profit). The resulting recorded songs vibrantly evoke the pains of supervision. One song included the chorus “Grainy images / The Cycle never ends / Them watching me / Me watching them.”<sup>9</sup> Another sang “The clock spins, zero hour begins / This is the end, the end again / Here sits blank face and she spins my tale / I’ve stopped listening now I know that I’ll fail.”<sup>10</sup> Through public exhibits and media events, this group is working to make “visible” the pains of probation and to humanize both the supervisees and the supervisors (Offender Supervision in Europe Network, 2016).

The challenges documented above, many of which stem from pre-existing disadvantage and the barriers of a criminal record, may also help to explain why researchers often find that individuals diverted to probation fare just as poorly as those sent to prison in terms of post-release employment and recidivism rates (Green & Winik, 2010; Loeffler, 2013).<sup>11</sup> Or as a recent meta-analysis concluded, it is unclear “whether non-custodial sanctions are more effective to prevent re-offending than custodial sanctions” (Killias, Villettaz, & Zoder, 2006, p. 43). Similarly, it remains unclear whether parole supervision—as compared to release with no supervision—helps or hinders (Schlager & Robbins, 2008; Scott-Hayward, 2011, 2013; Solomon, Kachnowski, & Bhati, 2005). Researchers argue that we have under-theorized the processes of reoffending and recidivism as well as how community supervision assists or hinders these developments, creating challenges in measuring these concepts (Farrall, Hunter, Sharpe, & Calverley, 2014; McNeill, Durnescu, & Butter, 2016; Petersilia, 2004). Further, as Shawn Bushway (2011) argues, the details of the supervision (interactions with one’s officer, length and depth of interaction, programming options) may matter more than the “venue” of prison or the community.<sup>12</sup>

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Maruna (2001) proposes an alternative model for theorizing and supporting this process of *desistance*, or the “long-term abstinence from crime among individuals who had previously engaged in persistent patterns of criminal offending” (p. 26). In addition to highlighting the ongoing process of “recovery,” which requires continual maintenance to persist in desistance, Maruna stresses the import of “making good” for individuals formerly involved in the criminal justice system. Central to this process is building a new story or personal narrative that facilitates building a meaningful life, complete with positive and fulfilling relationships along with generative work and other opportunities to give back to the community. As described below, this work on desistance is beginning to influence criminal justice reforms as agencies ask how they can better support this process (McNeill, Farrall, Lightowler, & Maruna, 2012).

## Violations & Revocations

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### Probation & Parole Revocation in the United States

As noted above, probationers and parolees frequently fail to meet the many requirements of supervision and/or are arrested for a new crime, which can lead to revocation and incarceration in jail or prison (Klingeale, 2013). Revocation decisions are often made by probation and parole agencies or boards, rather than a full legal process, making returns easier to secure than a new criminal conviction (Caplow & Simon, 1999). Individuals on community sanctions thus face several unique modes of penalization: coming under increased criminal justice scrutiny, subject to special restrictions on behavior and a smoothed pathway to incarceration, and facing heightened sentencing penalties if convicted for a new crime (Doherty, 2016; Kingsnorth, Macintosh, & Sutherland, 2002; Klingele, 2013; Petersilia, 2002).

Nationally, the number of community supervisees sent to state prisons has increased significantly. Between 1980 and 2000, the percent of state prison admissions for new court commitments declined from just over 80% to roughly 60%, with parole and probation violations making up most of the difference (Beck, 1999; Petersilia, 2003).<sup>13</sup> Surveys of inmates in state prisons show that at its peak in the 1990s, nearly half (45%) of prisoners were on probation or parole at the time of arrest, compared to 17% in 1974 (Caplow & Simon, 1999; Petersilia, 2003). Even after recent declines in revocations, by 2012, the number of parole violators admitted to state prisons rivaled the *total* state prison admissions in 1978 (Carson & Golinelli, 2013). The number of probation violators in local jails increased as well, growing by 50% between 1990 and 2004 (Burke, 2007). Further, many of these community supervisees are incarcerated for technical violations (or breaking the rules of supervision) rather than new criminal convictions (Petersilia, 2003; Phelps, forthcoming).<sup>14</sup>

These national estimates mask the significant variation between states in revocation rates. In 1999, over half of all state prison admissions in California and Utah were from parole revocations; whereas other states such as Florida and Alabama had less than 10% of admissions that were from parole revocations (Travis & Lawrence, 2002). Moreover, this state variation is predicated upon changes in state policies and practices over time. Recently, California cut parole violation admissions in half with the implementation of the Public Safety Realignment Act in 2011; by 2012, only 23% of total prison admissions in California were the result of a parole revocation (Carson & Golinelli, 2013). Recent estimates of parole revocation

rates suggest that states like Idaho, Utah, and Vermont are at the high end of the spectrum while states like Florida, Alabama, and Virginia display low rates of revocation as admissions (Alper, 2016).

Even less is known about state variation in probation revocations, but it is clear that some states revoke probationers more frequently than others.<sup>15</sup> As of 2010, states with low levels of successful completion of probation supervision included Utah, Missouri, and California, all of which reported that less than 50% of exiting probationers successfully completed the terms of supervision. In contrast, jurisdictions such as Nebraska, South Dakota, and Connecticut reported that more than 80% of probationers successfully completed supervision (Glaze & Bonczar, 2011).<sup>16</sup>

Although research on violations and revocation is less extensive than that for sentencing decisions, we know that not all supervisees face the same risk of revocation. Several studies suggest that parolees with an original conviction of a property crime have the highest rates of parole violations, re-arrest, and revocation to prison (Grattet, Petersilia, Lin, & Beckman, 2009; Kassebaum, 1999; Steen & Opsal, 2007). After controlling for parole violations, however, Lin, Grattet, and Petersilia (2010) find that adults with more serious criminal histories and registered sex offenders are more likely to be revoked, consistent with increased supervision scrutiny and less leniency for these adults. Another study examining parole officer decision-making in Colorado found that parolees convicted of a sex offense were 20 times more likely to have a complaint filed for a technical violation by their presiding officer (Steen et al., 2012). Release type may also influence the likelihood of revocation, with adults released on mandatory parole less successful on average than those released early (Hughes, Wilson, & Beck, 2001; Ireland & Prause, 2005, though see Solomon et al., 2005).

Terms of community supervision are more difficult to complete for probationers and parolees who face additional structural barriers and disadvantages. Descriptively, we know that probationers who have failed on supervision and are incarcerated in jail or prison are more likely to be black men without a high school diploma as compared to the demographics of probationers in the community (Phelps, forthcoming). Controlling for supervisees' behavior, researchers have linked the likelihood of revocation to individuals' status characteristics (including age, race, and gender) and markers of disadvantage (including education level, drug use, and employment history) (see, e.g., Cuniff & Shilton, 1991; Gray, Fields, & Maxwell, 2001; Hughes et al., 2001; Jannetta, Breaux, Ho, & Porter, 2014; Kassebaum, 1999; Kassebaum & Davidson-Coronado, 2001; Lin et al., 2010; Rodriguez & Webb, 2007; Steen & Opsal, 2007; Stevens-Martin, Oyewole, & Hipolito, 2014).<sup>17</sup> Other work highlights the challenges deeply disadvantaged families face in supporting (and sometimes hindering) community supervisees (Harding et al., 2016; Visher, LaVigne, & Travis, 2004; Western et al., 2015).

Prisoner reentry is also concentrated spatially, with many former prisoners returning to the poorest urban neighborhoods. As we might expect, prisoners released to such neighborhoods also tend to have higher re-arrest and revocation rates (Morenoff & Harding, 2014). In addition to the individual and family-level challenges of residents in these neighborhoods, structural factors such as neighborhood resources, including access to reliable transportation, may further limit successful outcomes in community supervision, especially for women (Richie, 2001; Northcutt Bohmert, 2016).

Recent research also highlights how probation state-level conditions and departments' policies shape revocation rates. As Phelps (2013) outlines, the ultimate role of probation in the criminal justice system is shaped by two factors: who gets sentenced to probation and what happens to them once under supervision. Probationers' revocation rates are tied to departments' probation practices, including the effectiveness of supervision and services, and violation and revocation procedures. Sentencing and supervision practices are in turn shaped by the local and state level institutional structure, including sentencing laws, judicial and prosecutorial election procedures, and the bureaucratic and fiscal structure of supervision. Depending on these structures, community supervision can serve to varying degrees as a prison alternative (verses a net-widener). In states where a higher percent of probationers are felons (indicative of diversion), increases in probation rates are less likely to be associated with increases in states' imprisonment rates. Similarly, states that have reduced probation revocation rates (i.e., increased successful completion) have been able to reduce prison populations.

Recent research on parole in California highlights the importance of these institutional and broader structural conditions on jurisdictions' parole revocation rates. Lin et al. (2010) found that prison overcrowding diminishes the likelihood of revocation for all violation types, while punitive sentiment among community residents correlates with higher technical revocation rates. In a related study, the team showed that intensive parole supervision increased the rate of violations, even controlling for individuals' characteristics, and that a reorganization of the department's violation procedures nearly doubled parolees' revocation risk in 2003 and 2004 (Grattet, Lin, & Petersilia, 2011). Below, we review how states are capitalizing on these organizational determinants of revocation to reduce the number of community supervisees sent to prison.

## Breaches in Europe

In many European jurisdictions, imprisonment tends to be portrayed as a last resort for violating conditions of probation supervision rather than as a default response (McNeill & Beyens, 2013). Broadly speaking, probationers and parolees in Europe tend to complete supervision successfully at higher rates (and return to custody less frequently) than their U.S. counterparts (Rhine & Taxman, forthcoming; van Zyl Smit & Corda, forthcoming).

As is true across states in the United States, however, there is tremendous variation across countries in Europe in policies and practices governing revocation (McNeill & Beyens, 2013; Padfield, van Zyl Smit, & Dunkel, 2010; Robinson & McNeill, 2016). Quantifying country-level differences is challenging because the SPACE II data collected by the Council of Europe suffers from varied definitions of a "breach" in supervision as well as inconsistent and incomplete reporting (van Zyl Smit & Corda, forthcoming). There is new evidence that some European jurisdictions, including England and Wales, have faced a growing number of admissions to prison for parole revocations in recent years (Padfield, 2010; Robinson & Ugwuodike, 2012; Scottish Prisons Commission, 2008; Weaver, Tata, Munro, & Barry, 2012).



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## “Best Practices” in Supervision and U.S. Reforms

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Today in the United States, the scale of carceral control has increasingly come under scrutiny. Efforts to improve community corrections have been a prominent component of recent criminal justice reform across states, reflecting the public’s support for diverting criminal justice funds away from prisons and toward community-based programs, especially for non-violent drug offenses (Pew, 2012; Vera, 2013).<sup>18</sup> Many of these reforms follow the model of the Justice Reinvestment Initiative, which seeks to reduce spending on incarceration (through prison population reductions) and reinvest those savings into the disadvantaged communities most affected by mass incarceration (LaVigne et al., 2014). Criminological research on community supervision’s “best practices” or “evidence-based practices” is critical to this moment of opportunity (Klinge, 2016; Vera, 2013).

The first set of reforms related to community supervision has focused on diverting more adults to probation and parole. For example, states like New York, Kansas, and Michigan have increased sentencing options for drug offenses so that judges can divert adults to community supervision and drug treatment (Greene & Mauer, 2010), while others have scaled back mandatory minimums (Subramanian & Delaney, 2014). Bureaucratic reforms aimed at increasing parole release have expanded as well, including widening eligibility criteria and dropping restrictions on “good time” credit, increasing the number of board members, adopting risk assessments tools for release decisions, and widening automatic release policies (Greene & Mauer, 2010; Vera, 2013).

A second track has been to improve the delivery of community supervision. The dominant perspective for these reforms is the “risk-needs responsivity” model (Andrews, Bonta, & Wormith, 2006), which focuses on using criminological research to design and evaluate interventions that are targeted to match individuals’ dynamic risk and need factors (Cullen, 2005). This work begins with supervisees receiving a “risk-needs” assessment, which can be used to tailor a supervision plan. For example, based on evidence that low-risk cases fare better with minimal supervision (thus avoiding some of the burdens of supervision), states are working to reduce (or eliminate altogether) supervision for low-risk cases (Vera, 2013). In many places, this has been done by shifting such individuals to paper, “fine-only” probation, and reporting through electronic kiosks rather than in-person meetings.<sup>19</sup> In some cases, such supervision has been off-loaded to private fee-collection agencies (Human Rights Watch, 2014). Another reform has been to allow supervisees to earn credits for successful compliance months, gradually scaling back supervision and ultimately allowing for early termination (Vera, 2013). In Missouri, for example, an earned compliance credit program reduced the community supervision population by nearly 20% without affecting recidivism rates (Pew, 2016).

These kinds of reforms allow agents to concentrate time on high-risk cases and front-load supervision for new cases (Byrne, 2009). Electronic monitoring remains a popular reform strategy for probationers and parolees who are seen as requiring closer supervision (DeMichele, 2014). This kind of “intensive” supervision for high-risk cases is not new; indeed, in the 1990s, such Intensive Supervision Programs were heavily promoted as part of efforts to develop correctional interventions between standard probation and prison (Morris & Tonry,

1991). Today, however, there is a strong body of literature that warns us such interventions will not be successful unless they pair close supervision with targeted services and smart responses to supervision violations (Taxman, 2012).

This focus on evidence-based practices is embedded within a broader shift towards “neorehabilitation,” with the criminal justice system increasingly re-purposing correctionalist narratives and practices (Eaglin, 2013). In the context of community corrections, this translates into an increased emphasis on “reentry” services and closer links between community supervision and local service providers. As Rengifo and Stemen (2010) show, this shift has also entailed a new approach to violations and revocations, moving from a “trail them, nail them, and jail them” model to one focused on “offender success” (p. 24). In addition, jurisdictions are working to improve relationships between supervisees and officers, building more a respectful and collaborative dynamic (Taxman, 2012). These reforms draw on the desistance model, with officers framing their work as supporting individuals in their ongoing process of change (Maruna, 2001; McNeill, 2016; though see Farrall, 2002).<sup>20</sup>

There are also efforts to expand alternative (or graduated) sanctions for violations, broadening officers’ tool-kits for responding to violations (Vera, 2013). These sanctions can include additional reporting burdens, participating in programming, attending “day reporting” centers, short-term confinement in violation centers, and extending probation terms. In many cases, these reforms are designed to intervene earlier in a supervisee’s history of violations, providing a mild sanction immediately following the violation rather than the pattern of ignoring a series of violations and then filing for revocation. Research suggests that such alternative sanctions can be just as effective in reducing future violations as jail terms, while ameliorating jail “churning” and easing local budgets (Wodahl, Boman, & Garland, 2015). One particularly salient example of a policy reform designed to reshape responses to probation violations is Hawaii’s Opportunity Probation with Enforcement (HOPE) program, which uses “swift, certain, and fair” sanctions (typically a few days in jail) as an automatic response to all program violations (Hawken & Kleiman, 2009).

Finally, states have shifted the fiscal incentives of revocation to incentivize counties to reform community corrections. In Michigan, for example, the state’s Community Corrections Act was leveraged to incentivize counties to reduce incarceration for “straddle cell” felonies (which are eligible for either probation or prison), bringing the percent sentenced to prison down from 43% in 2001 to 33% in 2008. During the same decade, fiscal incentives and practice innovations helped to bring down the annual number of probation violators committed to prison by 16% (Phelps, 2013). Similar reforms to parole have made Michigan one of the early leaders of the “Justice Reinvestment” model of reform (Clear, 2011). Kansas and Arizona have also recently shown success in reducing prison admissions for violations through fiscal incentives aimed at counties (Phelps, 2013).

Together, these efforts appear to be having a macro-level effect. For example, between 2006 and 2011, new prison admissions for drug offenses declined by 22%, while admissions for parole violations declined by 31%.<sup>21</sup> At the same time, probation populations nationally have declined (from a peak of 4.3 million in 2007 to a low of 3.8 million by 2015), while parole populations increased (rising from 826,100 in 2007 to 870,500 in 2015) (Kaebele & Glaze,



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2016). Much of this national picture has been driven by California, which has passed a series of criminal justice reform bills in recent years and has seen correctional populations decline with little effect on crime rates (Aviram, 2016; Carson & Golinelli, 2013; Petersilia, 2016).

Yet, it is important to note that the reforms spreading across the United States in the 2010s are piecemeal, contested, and vulnerable to reversal (Phelps, 2016). For example, while much is made of the Justice Reinvestment Initiative, these reforms have had modest effects and much of the “reinvestment” of funds has gone to community corrections rather than other state services (Austin et al., 2013). Some of the programs intended to divert drug offenses have instead increased surveillance for low-level drug offenses (Stemen & Rengifo, 2009; Rengifo & Stemen, 2010). Recent efforts to replicate the HOPE program in other jurisdictions have not been successful (Nagin, 2016), with the judge behind the HOPE model arguing that replicators did not include the efforts to materially support probationers and instead took a punitive “sanctions only” approach (Alm, 2016). Many states’ experiments with loosening prison release policies have been halted following public scandal over crimes committed by those released (Eaglin, 2013; see also Weisberg & Petersilia, 2010). While risk assessment tools continue to be expanded for use in a widening number of decision points, they remain highly variable and poorly understood. In addition, they are often misused, ignored, and/or manipulated by frontline agents tasked with their implementation (for a recent review see Taxman & Dezember, 2017). Critics also caution that the “neorehabilitation” model emerging today shares many of the same pitfalls as earlier models of coercive rehabilitation and may exacerbate racial disparities (Eaglin, 2013; López, 2014).

We end, therefore, on a note of caution. Recent reform efforts will not succeed in challenging the logic of the carceral state without a deeper conversation about justice and values—and may in fact make things worse if implemented haphazardly (Gottschalk, 2015; Klingele, 2016; Tonry, 2011). And while the politics of punishment are beginning to shift in the United States, there is little consensus beyond reducing fiscal costs and significant support for punitive policy-making remains (Phelps, 2016). As McNeill (2009) writes, it’s not just “What Works,” but also, “What’s Just” that must guide our decisions with regard to community corrections and punishment more broadly.

## Conclusions: Explaining a Complex Phenomenon

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Much of this essay was devoted to outlining basic information about community corrections in the United States and Europe: who is under control, what happens to them under supervision, and what is the role of probation and parole in the criminal justice system? Yet as our discussion revealed, the answers to these questions are simultaneously complex and vague. Part of this is a definitional challenge, with probation in particular referencing a very diverse set of practices across places and persons. Unlike imprisonment, which is always defined by confinement behind bars, community supervision encompasses a wide and contradictory array of practices and experiences. And part of the story is that the data on community supervision are notoriously limited and incomplete (see, e.g., Phelps, 2015; van Zyl Smit & Corda, forthcoming).

Given all this variation and ambiguity, what can we say about our core question: Is community supervision a form of leniency or control? The answer, as unsatisfying as it may be, is both. In the United States and Europe, probation often functions as a “net-widener” or expansion of control rather than a clear sentencing diversion that reduces prison rates (Aebi et al., 2015; Phelps, 2013). And while parole may be granted as part of early exit from prison, it is also assigned as a mandatory condition of release for many adults. Both probation and parole can be very difficult to complete, producing “back-end net-widening” when individuals are unable to meet the demands of supervision and are revoked (Tonry & Lynch, 1996). This problem is particularly acute in the United States, although some jurisdictions in Europe have been experiencing increases in revocation rates in recent years as well (Padfield, 2010; Scottish Prisons Commission, 2008; Weaver et al., 2012).

The other commonality we found across jurisdictions was that the experience of supervision is often experienced as quite punitive—even in contexts where probation or parole is explicitly framed as social services. Supervision involves a number of deprivations, including a loss of time, autonomy, and privacy, which are experienced as painful (Durnescu, 2011). In addition, even in jurisdictions with (relatively) low revocation rates, the risk of failure and imprisonment can loom large, coloring supervisees’ perceptions of their own freedom and agency (Fitzgibbon et al., 2016). This fear of revocation may be motivating for some, but is also likely thwarts the agency and sense of purpose needed for the internal, self-directed process of desistance for others (McNeill, 2016).

However, the increasing scholarly and policy attention on improving community supervision is cause for hope. New conversations about proportional, fair, and parsimonious punishment are developing that prioritize *both* reducing the overall scale of control and improving supervision for those under state control. Yet as McNeill and Robinson (2016) argue, we do not yet have a properly sociological understanding of the purpose of community supervision, which “matters—and has real contemporary import—because if we fail to understand the social, cultural and political conditions which gave rise to and subsequently shaped probation’s development, and *how* they have done so, then we will remain poorly placed to assess or affect its prospects” (McNeill & Robinson, 2016, pp. 245–246). This neglect has persisted despite the prevalence of community supervision across jurisdictions, in part due to the seeming invisibility of such sanctions (Robinson, 2016).

We concur that it is vital to make community punishments visible in the public and academic spheres. Many questions persist for researchers interested in community supervision. These range from the descriptive (for example, exactly how many adults are on probation at any given time and place, and what happens to them through the course of supervision?) to the deeply theoretical (what does the expansion of community supervision imply for the transition from penal modernism to the punitive era?). In between are a number of important empirical questions that are being (re-)discovered, including where and how community supervision “widens the net”; how to improve community supervision completion rates; the effects of community supervision on individuals’ desistance process and their communities; race, class, and gender disparities in community supervision and revocation rates; and how community supervision does (or does not) fulfill the classic goals of punishment, including retribution, reducing crime, and bolstering social solidarity. We hope that when another summary of community corrections is produced in 10 years, they have clearer answers to these critical questions.

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## Data Links

More information on the data available on community supervision can be found at:

U.S. Department of Justice, Bureau of Justice Statistics, Community Corrections (Probation and Parole) <<http://www.bjs.gov/index.cfm?ty=tp&tid=15>>.

Council of Europe, Human Rights and Rule of Law, Prisons and Community Sanctions and Measures <[http://www.coe.int/t/DGHL/STANDARDSETTING/PRISONS/default\\_en.asp](http://www.coe.int/t/DGHL/STANDARDSETTING/PRISONS/default_en.asp)>.

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## Notes

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1. As of the last national survey in the 1990s, nearly 40% of probationers had a split sentence with jail, while another 15% had a split sentence with prison time (Bonczar, 1997).
2. This critique of probation was far from new; Rothman (2002) argues that net-widening was apparent even during its initial expansion in the early 20th century.
3. Key to these efforts is the work of the Offender Supervision in Europe <http://www.offendersupervision.eu> network.
4. Author's calculations, using the same data and methods as Phelps (2017) for probation rates. Probation and parole data from Kaebler and Bonczar (2016); population data from the U.S. census.
5. Author's calculations, using the same data and methods as Phelps (forthcoming) for probation rates.
6. In a 2015 survey, 19 states reported having a mixture of determinate and indeterminate sentencing; while 11 reported a determinate structure and 12 an indeterminate system (Ruhland Rhine, Robey, & Mitchell, 2016).
7. However, this varies by country. For example, prosecutors in France are also executive-appointed magistrates under the authority of the Ministry of Justice (Boone & Herzog-Evans, 2013).
8. For parallel discussions of youth involved in the juvenile justice system, see Cox (2011, 2015), Fader (2013), and Rios (2011). Much of this research highlights a disconnect between the rehabilitative programming provided in the juvenile institutions (located predominantly in white rural communities) and the daily realities of young men of color in urban communities.
9. "Reflection Blues <http://www.voxliminis.co.uk/seen-and-heard/>," by George McDevitt and Rollo Strickland.
10. "Blankface <http://www.voxliminis.co.uk/seen-and-heard/>," by Teejay and Fergus McNeill.
11. This may be because even the short-term jail stay typical during the conviction process can have important disruption effects (Apel, 2016; Comfort, 2016; Siegel, Harding, & Morenoff, 2016). However, a new working paper finds that individuals sentenced to "split" sentences of jail and probation fare better initially than those subject to jail without probation (Nguyen, Harding, Morenoff, & Bushway, 2016).
12. See also Vanstone (2016).
13. These rates come from state reports of annual prison admissions (through the National Corrections Reporting Program). This statistic likely understates the scale of the problem since some states report probation violations as new court commitments (Curry, 2016). For more on the complexities of data on U.S. probation, see Phelps (2015).
14. These categories become ambiguous, in part because a new arrest can be considered a technical violation. In addition, while some new crimes are officially prosecuted, supervisees may also be incarcerated for the violation without prosecutors pursuing a new conviction. When supervisees are found guilty of a new crime, they may face punishment for both the new crime and for the supervision violation.
15. This is in part because it is harder to track how many probationers are revoked to state prisons when probationers' supervision is administered and recorded through local agencies rather than the state's corrections department.
16. States were excluded that had missing information for 20% or more of exiting probationers (see Phelps, 2017, for a discussion of calculating state-level probation revocation rates).



17. These studies find conflicting evidence of whether racial and ethnic disparities persist after controlling for “legal” factors like risk assessment scores and probation violation charges. In addition, while some evidence suggests that these differences are larger for technical violations where discretion may be more critical (e.g., Steen & Opsal, 2007), a recent study only found significant race differences for new criminal charges (Lin, Grattet, & Petersilia, 2010).
18. Public support of reform for sentences involving serious and violent offenses is typically much lower than for drug offenses and the public over-estimates the percent of prisoners convicted of drug offenses (Morning Consult & Vox, 2016).
19. In 2015, 6% of probationers were listed as on “inactive” supervision or had completed all supervision requirements other than financial payments (Kaeble & Bonczar, 2016).
20. For more information on the desistance model in Europe, see Discovering Desistance [<http://blogs.iriss.org.uk/discoveringdesistance/>](http://blogs.iriss.org.uk/discoveringdesistance/).
21. Another way to measure this change is through trends in people leaving supervision each year. The annual rate of exiting parolees returned to prison has dropped significantly since 2005 (from 25 exits to incarceration per 100 parolees to 14), while the parallel rate for probation has remained relatively constant around 8 exits per 100 probationers (Kaeble & Bonczar, 2016)

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