

Aligning Supervision Conditions with the Risk-Needs-Responsivity Framework

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Introduction

Community supervision, commonly known as probation or parole, involves people serving part of their sentence under supervision while living in the community. Supervision conditions are requirements that individuals must comply with during this period, such as engaging in a treatment program, maintaining employment, or regularly checking in with their probation or parole officer. However, the current condition-setting approach often focuses on setting restrictions on behavior without providing meaningful guidance for behavioral change. This policy brief proposes aligning supervision conditions with the Risk-Needs-Responsivity (RNR) framework to improve outcomes for individuals on supervision and the community.

Understanding Supervision Conditions

On average, people on probation or parole must comply with about 17 supervision conditions.¹ There are two types of supervision conditions: standard and additional or special conditions. Standard conditions are a core set of conditions that are applied to everyone on supervision within a particular jurisdiction. Examples of standard conditions are to remain law abiding, requiring a person to maintain employment, or prohibiting them from associating with other people who have criminal records. In contrast, additional/special conditions are applied to some, but not all people on supervision. These conditions may be applied to address specific issues such as substance abuse, or there may be packages or clusters of conditions that are typically imposed when a person is convicted of certain types of offenses.² For example, for a person convicted of driving while intoxicated, a typical package of additional conditions may be completing a substance use evaluation and attending a Mothers Against Drunk Driving (MADD) panel. Similarly, prohibiting contact with the victim may be a typical additional/special condition for an individual convicted of domestic violence.

The purpose of supervision conditions can be multifaceted. Robina researchers interviewed multiple people working in the criminal legal system across three states, including parole board members and their staff, judges, prosecutors, defense attorneys, and probation and parole officers, to get their perspective on the purpose of supervision conditions. The common themes were that supervision conditions should safeguard the community,

1 Faye S. Taxman, *Probation, Intermediate Sanctions, and Community-Based Corrections*, in *The Oxford Handbook of Sentencing and Corrections* (Joan Petersilia & Kevin R. Reitz, eds., New York: Oxford University Press, 2012), <https://www.oxfordhandbooks.com/view/10.1093/oxfordhb/9780199730148.001.0001/oxfordhb-9780199730148-e-15>.

2 Anat Kimchi, *Investigating the Assignment of Probation Conditions: Heterogeneity and the Role of Race and Ethnicity*, 35(4) *J. Quantitative Criminology* 715-745 (2019).

provide a roadmap or expectations for behavior, and provide access to resources or tools for treatment.³ Thus, probation conditions are perceived as both setting parameters for behavior while on supervision and as a potential mechanism for promoting behavioral change to reduce reoffending and protect public safety.

Limitations of the Current Condition Setting Approach

In reality, however, many supervision conditions set restrictions on behavior (i.e., refrain from alcohol or drugs; stay away from criminal associates) but do not provide guidance on how a person is supposed to achieve the behavioral change necessary to prevent reoffending and reduce recidivism. As an analogy, if a person was diagnosed with high cholesterol and the doctor told that person they needed to change their diet, providing a long list of foods the person cannot eat would be less effective in getting that person to change their eating behavior than sending them to a nutritionist. The first method tells the person what *not* to do whereas the second method provides meaningful support in teaching the person what they *should* do to change their eating behavior in a way that is likely to lower their cholesterol. In the same way, supervision conditions that prohibit certain behaviors but do not provide treatment or interventions to help the person on supervision change their behavior, are likely ineffective in achieving the goals of community supervision. As one parole officer said,

The truth of the matter is that if telling people not to do something was effective, we would never have a reincarceration. Right? The whole idea that you base a rehabilitative model on telling people not to do something and you react when they do, I think, is just a losing strategy.

- Parole Officer⁴

Moreover, there has been little to no research to determine the effectiveness of supervision conditions. While some forms of treatment, such as cognitive behavioral therapy,⁵ and certain supervision requirements like electronic monitoring for high-risk individuals,⁶ have evidence to support their efficacy, most supervision conditions lack empirical validation. Thus, while people in the criminal legal system may believe that supervision conditions change behavior and protect public safety, this belief remains unsupported. Nevertheless, supervision conditions can act as trip wires that lead to violations for noncompliance, which can in turn lead to subsequent periods of incarceration in local jails or prisons.⁷

Aligning supervision conditions with the RNR framework offers a promising approach to improving the effectiveness of community supervision. This brief explains what that framework is and how the condition-setting processes could be changed so that fewer supervision conditions are imposed, and the conditions that are imposed are more targeted to address the factors that place a person at higher risk to reoffend.

3 See, e.g., Kelly Lyn Mitchell, Robina Institute of Criminal Law and Criminal Justice, *Parole Condition Setting in Iowa: A Report in a Series on Aligning Supervision Conditions with Risk and Needs* (2023),

https://robinainstitute.umn.edu/sites/robinainstitute.umn.edu/files/2023-08/parole_condition_setting_in_iowa.pdf.

4 Kelly Lyn Mitchell, Robina Institute of Criminal Law and Criminal Justice, *Parole Condition Setting in Iowa: A Report in a Series on Aligning Supervision Conditions with Risk and Needs* 7 (2023),

https://robinainstitute.umn.edu/sites/robinainstitute.umn.edu/files/2023-08/parole_condition_setting_in_iowa.pdf.

5 See, e.g., Erin Harbinson, Julia Laskorunsky, and Kelly Lyn Mitchell, *Using Cognitive Behavioral Therapy in Community Supervision*, Robina Institute of Criminal Law and Criminal Justice (2020),

https://robinainstitute.umn.edu/sites/robinainstitute.umn.edu/files/2022-02/cognitive_behavioral_therapy.pdf.

6 See, e.g., Erin Harbinson, Julia Laskorunsky, and Kelly Lyn Mitchell, *Use of Electronic Monitoring in Community Corrections*, Robina Institute of Criminal Law and Criminal Justice (2020),

https://robinainstitute.umn.edu/sites/robinainstitute.umn.edu/files/2022-03/electronic_monitoring_2.pdf.

7 See, e.g., Miriam Krinsky and Monica Fuhrmann, *Building a Fair and Just Federal Community Supervision System: Lessons Learned from State and Local Reforms*, 34 Fed'l Sentencing R. 340, 341-42 (2022).

Risk-Needs-Responsivity (RNR) Framework

The leading correctional rehabilitative theory utilized in probation and parole contexts is the risk-needs-responsivity (RNR) framework. It requires matching the level of supervision with the person's risk to reoffend, targeting criminogenic needs (factors associated with reoffending that can be changed with intervention) through appropriate treatment or services, and tailoring interventions to individual learning styles.⁸ RNR provides a framework for understanding which people on supervision need the most attention and intervention.

Importance of Linking RNR to Supervision Condition Setting

Despite the gradual adoption of the RNR framework by supervision agencies, the process of setting conditions has often remained unchanged. Supervision conditions imposed by judges and parole boards are usually broad and one-size-fits-all, neglecting the individual needs of those under supervision. Instead, the bulk of conditions are made up of standard conditions that are given to everyone regardless of risk or need. And the additional/special conditions tend to be a blanket set of restrictions related to the conviction offense.⁹ This approach fails to align with the principles of the RNR framework.

Research has shown that using supervision practices aligned with the RNR model improves client outcomes.¹⁰ By linking condition setting with RNR principles, criminal justice professionals who recommend or set conditions can identify and prioritize areas where interventions are needed to reduce a person's risk of reoffending and promote positive behavioral change. This in turn enhances public safety. Additionally, research has demonstrated that recidivism rates improve when supervision officers spend more time talking about criminogenic needs and less time talking about conditions with the people they supervise.¹¹ Tying RNR principles to condition-setting is therefore important because the conditions set the stage for supervision by communicating—both to the person on supervision and the probation or parole officer—how they should prioritize their time.

8 Don A. Andrews, James Bonta, and Robert D. Hoge, *Classification for Effective Rehabilitation: Rediscovering Psychology*, 17 *Crim. Justice & Behavior* 19-52 (1990); James Bonta & Don A. Andrews, *The Psychology of Criminal Conduct*, 176 (Routledge, 6th Ed., 2017).

9 See, e.g., Anat Kimchi, *Investigating the Assignment of Probation Conditions: Heterogeneity and the Role of Race and Ethnicity*, 35(4) *J. Quantitative Criminology* 715-745 (2019).

10 James Bonta & D.A. Andrews, *The Psychology of Criminal Conduct*, 192 (Routledge, 6th Ed., 2017); Paula Smith, Paul Gendreau, & Kristin Swartz, *Validating the Principles of Effective Intervention: A Systematic Review of the Contributions of Meta-Analysis in the Field of Corrections*, 4 *Victims and Offenders* 148-169 (2009); Don A. Andrews, James Bonta, J. Stephen Wormith, *The Level of Service (LS) Assessment of Adults and Older Adolescents*, In *Handbook of Violence Risk Assessment Tools* 199-225 (R. Otto & K. Douglas eds.; New York, NY: Routledge, 2010).

11 "Although probation officers have a duty to enforce the conditions of the court and to deal with crisis that may be non-criminogenic in nature, their time needs to be balanced with addressing the factors that are more directly related to criminal behavior." James Bonta, Guy Bourgon, Tanya Rugge, Terri-Lynne Scott, Annie K. Yessine, Leticia Gutierrez, & Jobina Li, *An Experimental Demonstration of Training Probation Officers in Evidence-Based Community Supervision*, 38 *Crim. Justice & Behavior* 1127-1148, 1144 (2011).

Translating RNR Principles to Supervision Conditions

Based on the concepts discussed above, the following model proposes a way to set conditions in accordance with the RNR framework. The model minimizes standard conditions and utilizes conditions to target the needs of individuals assessed as medium to high in criminogenic need areas, thus reducing their likelihood of reoffending.

1. Impose fewer conditions as risk level decreases.

The **risk principle** provides that the intensity of supervision and programming should correspond to the individual's risk level. Lower-risk individuals require less programming and services, while higher-risk individuals necessitate more intensive interventions.¹² Research shows that over-supervising and over-programming people can actually increase their risk to reoffend.¹³ To align with this principle, condition setting should mirror these considerations, resulting in fewer conditions for lower-risk individuals. It is important to note that both standard and additional/special conditions contribute to the total load of supervision conditions, so as explained further in the next section, in order to meaningfully impose conditions in accord with the risk principle, standard conditions should be eliminated or minimized.

2. Eliminate or minimize standard conditions.

Standard conditions are the least aligned with RNR principles because they are not tailored to the individual's risk or needs. Moreover, standard conditions often consist of directives or restrictions, providing little to no treatment or interventions to facilitate behavioral change. In other words, standard conditions are like telling a person with high cholesterol that they need to change their diet by providing a list of foods they can no longer eat without any other support to help that person change their eating behavior.

In jurisdictions with lengthy lists of standard conditions, individuals at all risk levels will have virtually the same number of conditions. This contradicts the risk principle by over-conditioning people who are low risk. As an example, one parole board had eight standard conditions for each person on parole. But when the requirements in each of the eight numbered paragraphs were broken down, it turned out there were a total of 35 conditions. Although the parole board added only one to three additional/special conditions to each case, the net effect was that there was virtually no difference in the number of conditions imposed by risk level. Moreover, because most were standard conditions, the majority of conditions imposed did not provide interventions to promote behavioral change.¹⁴ To adhere to the risk principle effectively, standard conditions should be eliminated or limited to the minimum necessary to define the requirements of supervision.¹⁵

12 James Bonta & Don A. Andrews, *The Psychology of Criminal Conduct*, 176 (Routledge, 6th Ed., 2017).

13 Christopher T. Lowenkamp, Edward J. Latessa, & Alexander M. Holsinger, *The Risk Principle in Action: What Have we Learned from 13,676 Offenders and 97 Correctional Programs?*, 52(1) *Crime & Delinquency* 77-93 (2006).

14 Kelly Lyn Mitchell, Robina Institute of Criminal Law and Criminal Justice, *Parole Condition Setting in Iowa: A Report in a Series on Aligning Supervision Conditions with Risk and Needs* 35-36 (2023), https://robinainstitute.umn.edu/sites/robinainstitute.umn.edu/files/2023-08/parole_condition_setting_in_iowa.pdf.

15 Examples include obey all laws, report to probation or parole officer as required, do not leave the state without permission. Because all conditions can result in revocation it is imperative that the *minimum* requirements include only those things necessary to establish the basic contours of supervision or to provide basic protections for public safety. More detailed information about how probation or parole will work and the behavioral expectations for people on supervision should be communicated through other means such as informational flyers, instructional sheets, or orientation sessions.

3. Use special/additional conditions to target one or two of the highest scoring criminogenic needs.

The RNR framework focuses on targeting *dynamic criminogenic needs*, which are factors that are empirically correlated with recidivism that can be changed with intervention.¹⁶ A validated risk/needs or needs assessment tool should be used to identify criminogenic needs. The specific need areas may vary based on the assessment tool used, with some tools tailored to particular populations (i.e., sex offenders). Table 1 defines common criminogenic needs utilized in many risk and needs assessments; these categories may vary depending on the assessment used.

Table 1. Criminogenic Needs¹⁷

Risk/Need Factor	Description
Antisocial Personality Pattern	Adventurous pleasure-seeking, weak self-control, high impulsivity
Procriminal Attitude/Orientation	Attitudes, values, beliefs, and rationalizations supportive of crime and cognitive emotional states of anger, resentment, and defiance
Procriminal Associates	Close association with individuals who engage in criminal activity and relative isolation from prosocial individuals; immediate social support for crime
Substance Abuse	Abuse of alcohol or drugs that relates to criminal offending
Education/Employment	Low levels of performance and satisfaction in school and/or work
Family/Marital	Poor or conflictual relationships with family members or spouse
Leisure/Recreation	Low levels of involvement and satisfaction in prosocial leisure pursuits

Supervision conditions can be an effective vehicle for interventions that target criminogenic needs; thus, targeting a criminogenic need can be a valid justification for imposing an additional/special condition. A **targeting condition** is one that aims to provide rehabilitative interventions to address a criminogenic need. Such conditions have the potential to promote an individual's behavior change, subsequently, reducing the risk of reoffending and improving public safety. A targeting condition is most effective when it includes cognitive behavioral therapy or interventions proven to be effective in changing behavior or reducing recidivism. However, even promising programs and practices may be appropriate. A condition *does not* target a criminogenic need if it is solely directive or prohibits behavior rather than providing a program, service, or treatment intervention. For example, a condition mandating employment does not effectively target the employment need area because it does not assist a person in overcoming the underlying issues that have resulted in their being unable to hold a job.

If a person scores medium to high in multiple criminogenic need areas, it may be more effective to prioritize the most critical need areas and limit targeting conditions to the top one or two. Addressing criminogenic needs necessitates behavior change, which individuals can only work on in a few areas at a time. Additionally,

¹⁶ See Faye S. Taxman & Michael S. Caudy, *Risk Tells Us Who, But Not What or How: Empirical Assessment of The Complexity of Criminogenic Needs to Inform Correctional Programming*, 14(1) *Criminology & Public Policy* 71-103 (2015) (differentiating between static and dynamic risk factors). The one exception is criminal history, which has been identified as a risk factor for reoffending but cannot be changed.

¹⁷ James Bonta & D.A. Andrews, *The Psychology of Criminal Conduct*, 191 (Routledge, 6th Ed., 2017).

it may not be necessary to target every high criminogenic need area with a condition since some interventions may target multiple need areas at once. For example, if a person scores high need on both employment and procriminal attitude or orientation, imposing a condition solely related to employment may not be effective until the person has addressed their procriminal attitude, because they may view criminal behavior as a more effective means of earning a living. But providing a cognitive behavioral therapy program to address the person's criminal thinking should also address the person's barriers to seeking and maintaining employment.

4. Offer services rather than conditions to address responsivity barriers.

Responsivity factors refer to barriers that may serve as obstacles for addressing criminogenic needs.¹⁸ Mental health is the only responsivity factor that is typically targeted with a supervision condition. This may be justified because the criminal justice system can provide involuntary treatment for mental health issues, which serves the overall goals of supervision by removing mental health as a barrier to addressing criminogenic needs. However, for other responsivity factors such as illiteracy or transportation issues, jurisdictions should provide services rather than impose conditions. Addressing these barriers will likely help individuals complete and engage in other supervision conditions more effectively.

5. Impose no conditions or only a minimal set of standard conditions when no risk and needs assessment is available.

One challenge to aligning supervision conditions with RNR principles is that validated risk and needs assessment information may not always be available at the condition-setting stage. For example, some jurisdictions only utilize risk and needs assessments for the most serious offenses (i.e., felonies) and do not routinely screen individuals with lower-level offenses. In order to best inform parole boards and judges, jurisdictions should revise their practices to assess any individuals who will have conditions imposed. In cases where this information is not available, jurisdictions should either impose no conditions or only routinely impose a minimum set of standard conditions unless there are clear indications of a criminogenic need such as substance abuse. Because most individuals take an assessment at the beginning of their supervision term, jurisdictions could institute a process for allowing supervision officers to petition the court or parole board to add an additional condition if a documented criminogenic need is later identified and would benefit from a targeting condition.

¹⁸ James Bonta & D.A. Andrews, *The Psychology of Criminal Conduct*, 192 (Routledge, 6th Ed., 2017).

Conclusion

The current approach to supervision conditions is broad and restrictive, not accounting for an individual's risk and needs. Aligning supervision conditions with RNR principles—that is, matching the number of conditions to the person's risk, targeting criminogenic needs with treatment and interventions, and addressing responsivity barriers—may enhance the effectiveness of supervision. By shifting the focus from solely restricting behavior to addressing criminogenic needs and promoting meaningful behavior change, conditions can better serve their intended purposes of reducing reoffending and ensuring public safety. Jurisdictions should consider experimenting with revising their conditions-setting practices by providing the necessary training and guidance on RNR principles to criminal justice professionals who recommend or set conditions and monitoring the impact of these changes. Further research and evaluation are necessary to inform the development and implementation of evidence-based supervision conditions that align with the RNR framework.