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Parole, Probation and Community-Based Corrections in Nigeria

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Abstract

Parole, probation and community-based corrections in Nigeria play crucial roles in the criminal justice system, aiming to rehabilitate offenders while minimizing incarceration rates. This paper examined parole, probation and community-based corrections as an alternative to incarceration. It examined the rationale behind community-based corrections, emphasizing rehabilitation and reintegration over punitive measures. Guided by John Braithwaite's Theory of Re-integrative Shaming developed in 1989, the paper relied on a literature review on parole, probation and community-based corrections which provided a comprehensive synthesis of existing research, offer insights into effective practices and policies. The results showed that parole, probation and community-based corrections can manage and rehabilitate offenders while reducing the burden on correctional institutions and promoting successful integration into society. Each of these approaches involves supervision and support but varies in terms of the state of the criminal justice process and the level of oversight provided. Therefore, a study on parole, probation and community-based corrections provides valuable insights into their effectiveness, cost-efficiency and opportunities for improvement. This knowledge informs policy decisions, enhances practices within the criminal justice system and supports efforts to achieve rehabilitation and reduce recidivism.

Introduction

The condition of correctional facilities in Nigeria is dehumanizing. Many inmates developed mental problems as a result of serving time in prison custody. The poor state of the prison is either due to inadequate funding and overcrowding (Gbenemene, 2020). To decongest the correctional centres, community-based corrections were introduced and it has received global recognition. Nationwide, more people are on probation than in prisons and jails and on parole combined (Wright, 2021). The supervision of offenders in the community is an alternative to imprisonment (Reid, 1990). Reid (1990) further opined that the conditions of this alternative may be severe for some offenders; violations of the terms of probation or parole are common.

Many criminologists believed that a significant number of offenders did not need incarceration in high-security prisons. This is because inmates, who might otherwise have been ready to turn away from a life of crime, may become hardened criminals due to prison lifestyle. Criminologists like Sutherland (1939) cited in Barlow (1996) posits that criminal behaviour patterns are acquired through the process of interaction and communication. When a person is more involved with criminal groups, he or she is more likely to become a delinquent or criminal as a result.

Community-based corrections oversee persons convicted of a crime outside of jail or prisons and are administered by agencies or courts with the legal authority to enforce sanctions. Parole (correctional supervision within the community rather than jail or prison) and parole (a period of conditional, supervised release from prison) are major components of community-based corrections. From the foregoing, the purpose of this paper was to discuss probation as one aspect of community-based corrections in Nigeria.

Methodology

Relevant literature on parole, probation and community-based corrections were reviewed. This paper relied majorly on documentary sources of data obtained from textbooks, journal articles, official gazettes, conference papers and the internet.

Theoretical Framework

This paper was guided by John Braithwaite's Theory of Re-integrative shaming developed in 1989. Building upon labeling, social control, and subcultural theories, the theory proposes a crime control scheme that replaces the stigmatizing justice system with a meaningful community-based process that reaffirms the boundaries of acceptable behavior (Gibbon, 1994).

Re-integrative Shaming Theory states that societies that participate in shaming offenders will have lower crime rates. This theory was developed by John Braithwaite in 1989 at the Australian National University. According to the theory, societies have lower crime rates if they communicate shame about crime effectively. They will have a lot of violence if violent behaviour is not shameful, high rates of rape if rape is something men can brag about, and endemic white-collar crime if business people think law-breaking is clever rather than shameful.

Reintegrative shaming communicates shame to a wrongdoer in a way that encourages him or her to desist; stigmatization shames in a way that makes things worse. Reintegrative shaming, according to the theory, will be more widespread in societies where communities are strong, and where citizens are densely enmeshed in loving, trusting or respectful relationships with others. It follows from the theory that shaming is more likely to be powerful and reintegrative where communities are strong and caring. Strong communities are also the key resources for the prevention of criminal subculture formation. Reintegrative shaming theory fits under the umbrella of labeling theory, which is the idea, that individual identity and behavior can be shaped by the words used to describe those individuals. It was developed by Braithwaite with the desire to add to the growing field of positive criminology. This theory reasons that stigmatization alone cannot successfully lower crime rates. Braithwaite argues that stigmatization may lead to more crimes. The community must participate in welcoming back the offender to discourage participation in criminal subcultures.

Concept of Parole

Parole is a legal mechanism that allows for the conditional release of a prisoner before the completion of their sentence, under certain conditions and supervision. It is an integral part of the criminal justice system aimed at promoting rehabilitation, reducing prison overcrowding, and facilitating the reintegration of offenders into society (Gbenemene, 2020).

Purpose and Principles of Parole

Rehabilitation: One of the primary purposes of parole is to facilitate the rehabilitation of offenders. By granting conditional release, parole aims to provide individuals with opportunities to demonstrate their readiness to reintegrate into society after demonstrating good behavior and adherence to rehabilitative programs while incarcerated (Gbenemene, 2020).

Reduction of Recidivism: Parole programs are designed to reduce recidivism rates by providing structured support and supervision to parolees. Through monitoring and support services, parole aims to reduce the likelihood of offenders committing further crimes upon release (Gbenemene, 2020).

Humanitarian Considerations: Parole recognizes that individuals can change and rehabilitate themselves given appropriate opportunities and support. It reflects a belief in second chances and the potential for personal growth and development (Gbenemene, 2020).

Key Components of Parole

Conditions of Release: Parolees must adhere to specific conditions set by parole boards or authorities. These conditions typically include regular reporting to a parole officer, maintaining employment or attending school, abstaining from drugs and alcohol, and refraining from criminal behaviour (Gbenemene, 2020).

Supervision and Monitoring: Parole officers closely monitor parolees to ensure compliance with conditions and provide guidance and support. This supervision helps mitigate risks and supports the parolee's successful reintegration (Gbenemene, 2020).

Risk Assessment: Parole boards or authorities assess the risk posed by each offender before granting parole. Factors considered include the nature of the offense, the offender's criminal history, behaviour in prison, and plans for post-release supervision (Gbenemene, 2020).

Reintegration Support: Parole often involves connecting offenders with resources such as housing assistance, job training, counseling, and substance abuse treatment. These supports are crucial for helping individuals rebuild their lives and reduce the likelihood of re-offending (Gbenemene, 2020).

Challenges and Criticisms

Public Safety Concerns: Critics argue that parole may pose risks to public safety if offenders re-offend while on parole. Effective risk assessment and supervision are essential to mitigate these concerns.

Inequities in Implementation: Parole decisions can sometimes be influenced by factors such as race, socioeconomic status, or access to legal representation, leading to disparities in who receives parole.

Overreliance on Incarceration: In some jurisdictions, there is a tendency to underutilize parole as a tool for rehabilitation, resulting in longer prison terms and increased prison populations.

Global Perspectives on Parole

Variation in Practices: Parole systems vary widely across countries in terms of eligibility criteria, decision-making processes, conditions of release, and duration of supervision (Gbenemene, 2020).

International Standards: The United Nations and other international bodies emphasize the importance of parole as part of a fair and effective criminal justice system that promotes rehabilitation and reintegration (Gbenemene, 2020).

Concept of Probation

Probation is arguably the oldest, and certainly the largest, of the intermediate sanctions. Its roots stem from concepts of common law from England, like many of our other legal/correctional practices. In early American courts, a person was able to be released on their recognizance, if they promised to be responsible citizens and pay back what they owed. In the early 1840s, John Augustus coined the word probation and he is regarded as the father of probation (Vanstone, 2008; Linder, 2007).

Probation entails the release of an offender to the community under supervision. The term probation comes from the Latin term *probare*, meaning “to prove.” Because probation is a conditional release into the community, the probation period is a time of testing a person’s character and his or her ability to meet certain requirements. That is, convicted persons must prove to the court that they are capable of remaining in the community and living up to its legal and moral standards. Probation is a sentence imposed on convicted offenders that allows them to remain in the community under the supervision of a probation officer instead of being sent to prison (Kramer and Ulmer, 2009).

Probation is a type of criminal sentencing that permits the offender to remain in the community setting instead of serving time in a jail environment. The defendant remains free so long as the terms of the probation are not violated. The conditions of probation might include reporting to the probation officer on a regular schedule, refraining from the use or abuse of alcohol and/or drugs, maintaining regular employment or continuing schooling, not changing a residence without advanced notice and permission, and not committing criminal offenses while on probation. The particular conditions of probation may vary widely from one defendant to another depending on the offence committed, the offender’s criminal history, the presence of victims and how they are heard, and other specific facts and circumstances (Gbenemene, 2020).

Probation is also a means of diverting juvenile offenders from long-term penal institutions. It is an attempt to supervise probationers through advice and counseling to help resolve difficulties that may lead to further deviation. Probation officers are usually experienced social workers handling investigations and reports of juvenile cases (Inyang, 2004). Probation requires offenders to work, submit to treatment schedules, and do lots of other orderly things that many hardened criminals simply do not incline to do. Numerous interviews with active “street criminals” (e.g., burglars, robbers, carjackers) show that such things are treated with disdain (Mawby, 2001). Serving time in prison is less of a hassle for many of them, and many know they

would end up there anyway because they would not live up to probation conditions (May, Wood, Mooney, and Minor, 2005).

Conditions of probation often include reporting to a probation officer, submitting random drug screens, not consorting with known felons, paying court costs, restitution, and damages, attend AA or NA courses, as well as other conditions. Probation lengths vary greatly, as do the conditions of probation placed on an individual. Almost all people on probation will have at least one condition of probation. Some have many conditions, depending on the seriousness of the conviction, while others are just a blanket condition that is imposed on all in that jurisdiction, or for that conviction type (Wright, 2021). The main goal of probation officers is to support offenders in their attempts to re-integrate into society and to avoid reoffending (Menger and Donker, 2012).

Types of Probation

We have already noted that probation is the most frequently used sentence, but it is important to look more closely at the types of probation.

Felony Probation: although probation is often considered most appropriate for offenders convicted of minor offences, it is important to realise that probation is also used for serious offenders, a process referred to as felony probation.

House Arrest: One variation on probation is house arrest. Offenders are placed under severe restrictions. They may live at home but they may leave only under specified conditions. In some jurisdictions, house arrest is accompanied by electronic monitors. These monitors are attached to the person of the offender, usually to the ankle or the wrist. The devices can be monitored by a probation officer, who will then know if and when the person leaves home during curfew hours.

Shock Probation: Probation may be continued with house arrest, fines, restitution, or even a term of incarceration. Some statutes permit sending the offender to prison for a short period and then placing them on probation. It is assumed that this procedure will shock the offender into appropriate behaviour. This process is sometimes called shock probation, although the term is technically incorrect since probation is an alternative to incarceration. The purpose of shock probation is to expose offenders to the shock of prison before placing them on probation and release them before they are negatively influenced by the prison experience.

Periodic Sentencing: Periodic sentencing involves combining probation with jail term. The offender may be confined to jail during the night but be permitted to go to work or school during the day. The jail term might be served on weekends only, with the offender free to move about in the community during the week, although under some terms of probation. The weekend alternative has been used frequently for offenders who have been convicted of driving under the influence of alcohol, particularly in jurisdictions in which jails are crowded and the offender has a steady job.

Benefits of Probation to the Community

- i. Employed probationers stay in their communities and continue to pay taxes; offenders who were unemployed at the time of conviction may obtain training and help in finding a job. This adds further to the tax revenues of the community and, more importantly,

allows offenders to keep or obtain the stake in conformity that employment offers. A job also allows them the wherewithal to pay fines and court costs, as well as restitution to victims.

- ii. In the case of married offenders, community supervision maintains the integrity of the family, whereas incarceration could lead to its disruption and all the negative consequences such disruption entails.
- iii. Probation prevents felons from becoming further embedded in a criminal lifestyle by being exposed to chronic offenders in prison. Almost all prisoners will leave the institution someday, and many will emerge harder, more criminally sophisticated, and more bitter than they were when they entered. Furthermore, they are now ex-cons, a label that is a heavy liability when attempting to reintegrate into free society.
- iv. Many more offenders get into trouble because of deficiencies than because of pathologies. With community-based corrections, deficits such as the lack of education, a substance abuse problem, faulty thinking patterns, and so forth can be addressed. If we can correct these deficits to some extent, then the community benefits, because it is a self-evident truth that whatever helps the offender, protects the community.

Probation Issues

Nothing is wrong with probation. It is the execution of probation that is wrong (Wright, 2021). Research has identified specific probation components that exacerbate cycles of recidivism and incarceration. There are others, but we're going to focus on five primary probation components that research shows are problematic (Wright, 2021).

Excessive Rules

People on probation are expected to follow specific rules. If they refuse, their probation can be revoked. However, analysis shows that having too many rules “makes it difficult for many people on probation and parole to keep a job, maintain stable housing, participate in drug or mental health treatment, or fulfill financial obligations” (Wright, 2021).

Common rules include:

- i. Reporting in person to probation offices
- ii. Participating in intensive supervision programmes
- iii. Not leaving the designated city/state without permission
- iv. Finding and maintaining regular employment
- v. Not changing residence or employment without permission
- vi. Not using drugs or alcohol; not entering drinking establishments
- vii. Not possessing firearms or other dangerous weapons
- viii. Not associating with persons who have criminal records
- ix. Submitting to urinalysis or blood testing when instructed
- x. Paying supervision fees
- xi. Obeying all state and local laws (Wright, 2021).

Inappropriate Supervision Levels

Analysis shows that using intensive supervision methods with low-risk individuals is more harmful than no supervision and increases the risk of recidivism without promoting public safety. Unfortunately, many programs do not use a validated assessment tool to assess risks and

needs. As a result, inappropriate supervision continues in many probation programs (Wright, 2021).

Inadequate Treatment

SAMHSA estimates that 70 percent of individuals involved with the criminal system “have a substance use disorder, and approximately 17–34 percent have [a] serious mental illness.” However, despite the need and efforts to improve treatment access, many individuals in the probation system do not have access to the treatment they need, which contributes to poor program outcomes (Wright, 2021).

Long Probation Terms

In a 2020 analysis of probation, the Pew Institute concluded “two main factors have driven growth in the community corrections population: the number of people sentenced to probation and parole, and the length of time they remain under supervision.” An increasing number of studies show that “long probation sentences are not associated with lower rates of recidivism and are more likely than shorter ones to lead to technical violations,” leading to sanctions, revocations, and incarceration. The Pew Institute goes on to recommend that to “be effective, probation systems should prioritize resources for the period during which a person is most at risk to re-offend, typically the first 12 to 18 months” (Wright, 2021).

Overextended Probation Staff

The demand for supervision and the number of individuals on probation have both swelled, but the support for probation programs has not kept pace. One Harvard study points out that “probation is the most severely underfunded” criminal justice agency in America, which has contributed to severely overextended program staff. Overextended staff have less time to devote to high-risk individuals and less time to connect the individuals “who are most likely to fail on supervision” to the resources they need. Studies show that “even when policy requires the use of evidence-based practices, implementation can suffer if supervision agents are overloaded” (Wright, 2021).

Concept of Community-Based Corrections

Community-based corrections programmes have become an essential component of both the juvenile and adult justice systems. During the 1960s, prison overcrowding started to become a national problem. As a result, there was an increase in community-based corrections, also referred to as deinstitutionalization (Schubert, 2020). Community-based corrections provide correctional supervision and services in a community setting as an alternative to jail or prison.

Community corrections may be defined as any activity performed by agents of the government to assist offenders in establishing or re-establish law-abiding roles in the community while at the same time monitoring their behavior for criminal activity. Community-based corrections are considered the solution only for those offenders who do not pose a significant risk to public safety. Community-based corrections could be defined as the management of offenders in the community who have already been convicted. Community corrections are an alternative to imprisonment (Schamalleger, 2011)

Reid (1990) defined community-based corrections as the process of involving convicted offenders in supervised programmes aimed at reintegrating them into the community. These programmes may be offered within prisons to prepare offenders for release. They may be

community-based programmes outside the prison (a correctional centre) to which offenders report on a part-time basis before their release from prison, or they may be programmes for convicted offenders who are placed on probation.

However, allowing relatively minor offenders to remain in the community under probation supervision to prove that they can live law-abiding lives offers many benefits to them, as well as to their community. The general public's notion that a probation sentence is "getting away with it" is a notion not shared by many offenders. The probationer receives a prison sentence upon conviction that is suspended during the period of proving that he or she is capable of living a law-abiding life. This sentence hangs over probationers' heads like a guillotine ready to drop if they fail to provide that proof. It may be for this reason that many studies have found that "experienced" offenders who have done prison time, probation time, and parole time often prefer prison to the more demanding forms of probation such as day reporting and intensive supervision probation (May et al., 2005).

Community Corrections Assessment Tools

Officers have a variety of tools to help them to do their jobs more efficiently. Among the various assessment instruments, the most widely used one at this time is the client management classification system (CMC). The CMC contains offender risk and needs scales that embody the principle of responsivity. The CMC places probationers into four supervision-level categories, according to Walsh and Stohr (2010), which are outlined below.

Selective Intervention: These are low-risk and low-needs offenders; that is, they are minimally criminally involved and they have a stake in conformity. These folks require little of the officers' time or resources, which mean that there are more available for others who need them. There is evidence that low-risk offenders become worse if they are over-supervised and subjected to treatment modalities that they do not need (Lowenkamp, Holsinger, and Latessa, 2004). Placing such offenders in the same restrictive programs as high-risk offenders exposes them to bad influences and may disrupt the very factors (family, employment, prosocial activities and contacts) that made them low-risk in the first place. Officers are advised only to intervene in the lives of such people "selectively," that is, only in very special circumstances such as a new arrest.

Environmental Structure: These offenders are on the low end of medium-risk and require regular supervision. Officers work with these individuals to channel them into many services such as educational, vocational, and substance abuse programs. These are not necessarily people deeply embedded in a criminal lifestyle but rather people with several social deficits that can be corrected. This type of offender probably constitutes the majority of probationers, and perhaps a few parolees.

Casework/Control: These offenders are at the high end of medium-risk or the low end of high-risk. They require intensive casework and their activities should be closely monitored. They require the same services as environmental structure probationers, but they are less likely to benefit from them. They tend to be more entrenched in the criminal lifestyle and more likely to have severe drug and/or alcohol problems.

Limit-Setting: Offenders in this category are firmly embedded in a criminogenic lifestyle and are thus at a high risk for probation failure. They are often supervised by officers with an intensive supervision caseload (see below) and require severe limits to be placed on their activities. Protection of the community through surveillance and strict controls is of primary concern with offenders of this type.

The Importance of Community-Based Corrections

- i. It shifts the burden of corrections from institutions to communities. This reduces the operational costs of such facilities by reducing the number of prisoners in them. This translates to less tax being paid by the citizens to run such facilities.
- ii. Community corrections also break the cycle of reoffending by developing the offenders' capabilities and treating those with problems such as personality disorders. This promotes the overall safety of the community by breaking the cycle of crime. Training the individuals also prevents them from being dependent on others and therefore gives them alternative sources of income.
- iii. The community corrections are an effective way to reduce crime. This is majorly through learning a close supervision of the offender. Close supervision ensures that the offender abides by the rules and regulations stipulated. The offender tries as much as possible to follow the set conditions to avoid jail.
- iv. Community corrections also prevent the breakup of family and social relationships. The individual is not separated from his/her family and therefore he/she is given the necessary support to change for the better.

Conclusion

The paper examined parole, probation and community-based corrections in Nigeria. Findings revealed that correctional centres in Nigeria are overcrowded due to the type of judicial system that the country operates. The overwhelming majority of the inmates in custody in the nation's penitentiary are those awaiting trial. Many have spent time in prison far exceeding the time; they would have spent if convicted. Therefore community-based corrections including, parole, probation and other methods could help in the decongestion of correctional centres in the country.

Although community-based corrections are often considered too lenient, it benefits the public in many ways. Probation helps offenders by giving them a second chance to demonstrate that they can be law-abiding in the community, and what helps offenders automatically helps the communities they live in. Probation is not a right, and it is not a suspended sentence. It is a privilege, but it most certainly comes with conditions for the suspension of incarceration. Due to how cheap probation is; relative to jail or prison, and the ability of lower-risk individuals to maintain connections within their community.

Recommendations

Implementing these recommendations can contribute to a more effective and humane criminal justice system in Nigeria, emphasizing rehabilitation and reducing recidivism while addressing challenges such as prison overcrowding. Improving probation and community-based corrections in Nigeria could benefit from several recommendations:

- i. Enhanced Supervision and Monitoring: Strengthening supervision of probationers through increased resources and training for probation officers. This ensures offenders adhere to conditions and receive necessary support.
- ii. Community Involvement: Foster partnerships with local communities to support rehabilitation efforts and provide opportunities for offenders to reintegrate successfully.
- iii. Alternative Sentencing Options: Expand the range of community-based sanctions beyond probation, such as restorative justice programs, halfway houses, and vocational training.
- iv. Education and Awareness: Raise awareness among judges, lawyers, and the public about the benefits of community-based corrections to reduce stigma and encourage broader acceptance.
- v. Evaluation and Research: Conduct regular evaluations to assess the effectiveness of programs and make evidence-based adjustments to improve outcomes.
- vi. Legislative Support: Ensure legislative backing and policy frameworks that support the implementation and sustainability of community-based corrections.
- vii. Capacity Building: Invest in training for justice system personnel involved in probation and community-based corrections to enhance their skills and effectiveness.
- viii. Integration of Technology: Utilize technology like electronic monitoring and data analytics to improve supervision and decision-making processes.
- ix. Reintegration Support: Provide comprehensive reintegration support including job training, counseling, and housing assistance to facilitate successful transition back into the community.
- x. Collaboration with NGOs and International Organizations: Partner with non-governmental organizations and international bodies to access expertise, funding, and best practices in probation and community-based corrections.

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