

Jeffrey A. Butts (2008). *Probation and Parole*. In the *Encyclopedia of Social Work*, 20th Edition, pp. 415-418. Terry Mizrahi and Larry E. Davis (Editors). New York, NY: Oxford University Press and the National Association of Social Workers.

PROBATION AND PAROLE

ABSTRACT: Community-based supervision allows the legal system to hold criminal offenders accountable for their behavior without the significant costs and potential harms associated with incarceration. When offenders are placed on probation (in lieu of incarceration) or parole (as a follow-up to incarceration), they are also usually involved in other programs as well, including victim or offender mediation, substance abuse treatment, workforce development, restitution, community service, and electronic monitoring.

KEY WORDS: justice; crime; incarceration; community; supervision; reentry

Probation and parole are essential components of the juvenile and criminal (adult) justice systems. Probation sentences (or "dispositions" in juvenile court terminology) limit the freedom of offenders while avoiding the cost of incarceration. Following a legal finding of guilt (or "responsibility" in juvenile court), an offender may be given a period of probation lasting from several months to several years. Parole refers to a period of community supervision that follows an offender's release from incarceration (or "placement" in juvenile court). Offenders on probation or parole may risk additional sanctions and even reimprisonment if they violate the rules and conditions of parole. Programs provided by adult parole agencies are often referred to as "reentry," while juvenile parole programs may be known as "aftercare."

Origins

Probation first appeared in the United States in the 1840s. A Boston, Massachusetts, shoemaker and abstinence advocate named John Augustus worried that alcoholics and homeless people were being imprisoned inappropriately. He asked court officials to release these offenders to his custody instead, and he promised to help them find employment and to reform their destructive habits. Augustus performed this service for hundreds of people in the Boston area. His efforts attracted the attention of other communities and other courts. In 1878 Massachusetts became the first state to enact the concept of probation into law and to provide money for paid probation officers (Cromwell & Killinger, 1994, pp. 11-21). By 1925, probation was authorized by law in every state in the country. The

concept of parole, or discretionary release from imprisonment, is as old as prisons themselves. The first American prisons were opened in the 1600s as "penitentiaries," or places where offenders ("penitents") could quietly reflect on their sinful behavior and eventually be reformed (Travis, 2005). The length of imprisonment was determined individually, and decisions to release prisoners from incarceration were often made by prison authorities and later "parole boards."

POPULATIONS In 2005, 4.9 million adults were under the supervision of federal, state, or local probation or parole authorities, an increase of 55% over the number of probationers and parolees in 1990 (Glaze & Bonczar, 2006, p. 11). Women represented 23% of all probationers and 12% of all parolees. More than half (55%) of adults on probation in 2005 were Caucasian or white, while nearly a third (30%) were African-American and 13% were Hispanic or Latino. Among adults on probation in 2005, 50% had been convicted of felonies, 48% were convicted of misdemeanors, and 2% were charged with other infractions. In more than half of all cases, the most serious offense committed by probationers in 2005 was either a drug law violation, a charge of driving while intoxicated, or larceny or theft (Table 1).

The number of adults on probation in the United States grew 56% between 1990 and 2005, climbing from 2.7 million to 4.2 million. During the same period, the number of adult parolees increased 48%, from 531,407 to 784,408 (Graph 1).

There is no nationwide system for measuring the number of juvenile probationers, but the U.S. Department of Justice maintains a research program that

monitors the number of juvenile court cases ending with a term of probation as the most restrictive disposition (see the Statistical Briefing Book at <http://ojjdp.ncjrs.org>). In 2004, an estimated 601,900 delinquency cases resulted in a term of probation, which was 42% more than the number of cases placed on probation in 1985. Probation was the final disposition in more than half (53%) of the 1.1 million delinquency cases handled by juvenile courts nationwide in 2004. Three of every four probation cases in 2004 involved male juveniles. Two of every three probation cases involved Caucasian youth and 30% involved African-American juveniles.

Programs

Probation and parole are legal mechanisms that allow justice agencies to maintain jurisdiction and supervision over offenders, without the costs of incarceration. While offenders are under a term of probation or parole, they are ordered to comply with certain conditions and to cooperate with a variety of other treatment and rehabilitation programs, such as substance abuse, mental health, sex offender, and domestic violence treatment. Programs typically used for probationers and parolees include restitution (offenders repay or repair the damages resulting from their crime), house arrest (offenders live in their own homes and may not leave except for work or other approved activities), electronic monitoring, (offenders wear telephonic devices that alert authorities if they leave home without permission), and community service (offenders perform unpaid work as repayment to the community). The most common program elements, however, are usually direct supervision and office-based visits with a probation or parole officer.

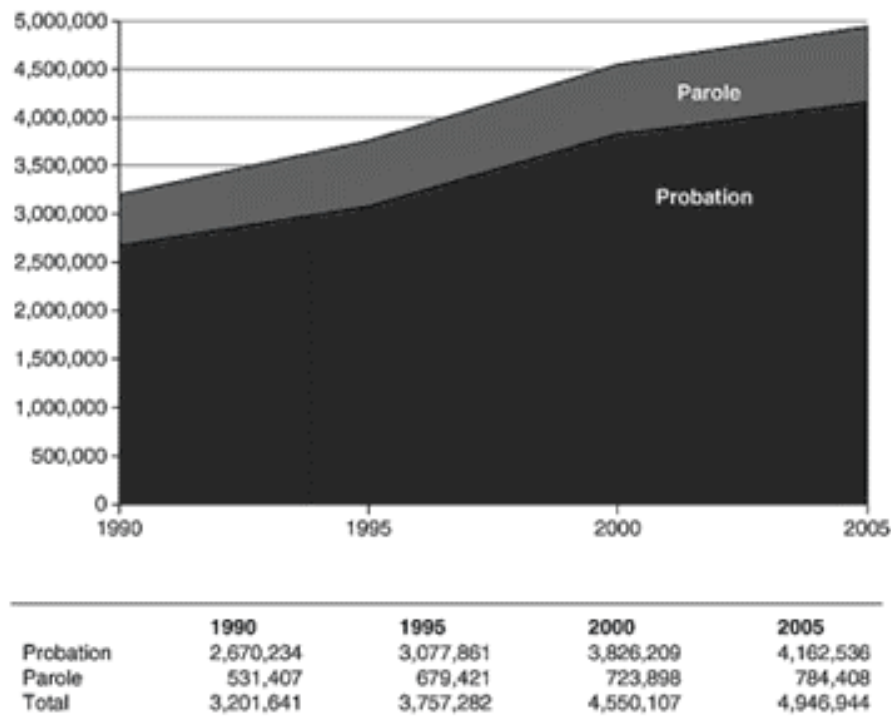
Probation and parole programs are administered under a variety of organizational and governmental structures. In some jurisdictions, either the state or local government may have complete responsibility for all aspects of community supervision. In other jurisdictions, the state and local government may share the responsibility.

With the exception of federal crimes, all criminal offenders in the United States are tried and sentenced by state or county-level courts. The responsibility for carrying out community-based sentences remains with the court that imposed the sentence or the parole board or other authority that granted release. The philosophies and values that shape the use of probation and parole can vary substantially from one jurisdiction to the next. One jurisdiction may use only rudimentary probation and fines. Another jurisdiction may have an elaborate array of supervision and treatment programs

TABLE 1
Most Serious Offense of Adults on Probation
at Year End 2005

Drug law violations	28%
Driving while intoxicated	15
Larceny/theft	12
Other assault	10
Domestic violence	6
Fraud	6
Burglary	5
Minor traffic offenses	5
Sexual assault	3
Other offenses	10

From Table 3 of *Probation and parole in the United States, 2005* (p. 6), by L. E. Glaze and T. P. Bonczar, 2006, Washington, DC: Bureau of Justice Statistics, U.S. Department of Justice [NCJ215091].



Retrieved from U.S. Department of Justice. <http://www.ojp.usdoj.gov/bjs/pub/pdf/ppus05.pdf>

GRAPH 1 Between 1990 and 2005, the number of adults on probation and parole in the United States increased 56% and 48%, respectively. From Table 3 of *Probation and parole in the United States, 2005* (p. 6), by L. E. Glaze and T. P. Bonczar, 2006, Washington, DC: Bureau of Justice Statistics, U.S. Department of Justice [NCJ215091]. Copyright 2006 by the U.S. Department of Justice. Reprinted with permission.

offering various levels of punitiveness combined with rehabilitation. (The strength and effectiveness of community-based supervision is often directly and inversely related to the scale of imprisonment favored by a state or county.) In other words, secure confinement may be used less extensively in jurisdictions with a rich array of nonincarceration alternatives.

When courts or parole authorities make decisions about the length of community supervision, their judgment is largely based on the degree to which an offender is thought to present future risk to the public safety or the likelihood that an offender will commit a new crime. They must also consider whether programs are available to address the rehabilitation needs of the offender (for example, substance abuse treatment). The decision must also account for the seriousness of the criminal act and the public's attitude toward the offender. In highly visible or notorious cases, justice

officials may be reluctant to use community supervision even if the probability of re-arrest appears to be low and viable treatment alternatives exist.

Assessment

The use of community-based supervision offers an effective balance between protecting the public and controlling or rehabilitating individual offenders. Without access to a full range of community-based supervision options, the justice system would be able to use only incarceration for convicted offenders and adjudicated delinquents. Probation and parole are potentially cost-effective methods for achieving the important goals of public safety, punishment, and rehabilitation of offenders. Providing supervision in the community allows offenders to work and to receive needed treatment in the same social context in which they must live upon their release from the justice system, which enhances

their adjustment to society and reduces the likelihood of future recidivism.

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FURTHER READING

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SUGGESTED LINKS

- Probation and Parole Statistics, U.S. Department of Justice, Bureau of Justice Statistics.
<http://www.ojp.usdoj.gov/bjs/pandp.htm>
- Probation as a Juvenile Court Disposition, U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention.
<http://ojjdp.ncjrs.org>
- American Probation and Parole Association.
<http://www.appa-net.org/>
- International Community Corrections Association.
<http://www.iccaweb.org/>
- National Probation Service for England and Wales.
<http://www.probation.homeoffice.gov.uk>

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