



COLUMBIA UNIVERSITY | JUSTICE LAB

# Too Big to Succeed: Has Community Corrections Grown Beyond its Useful Capacity?

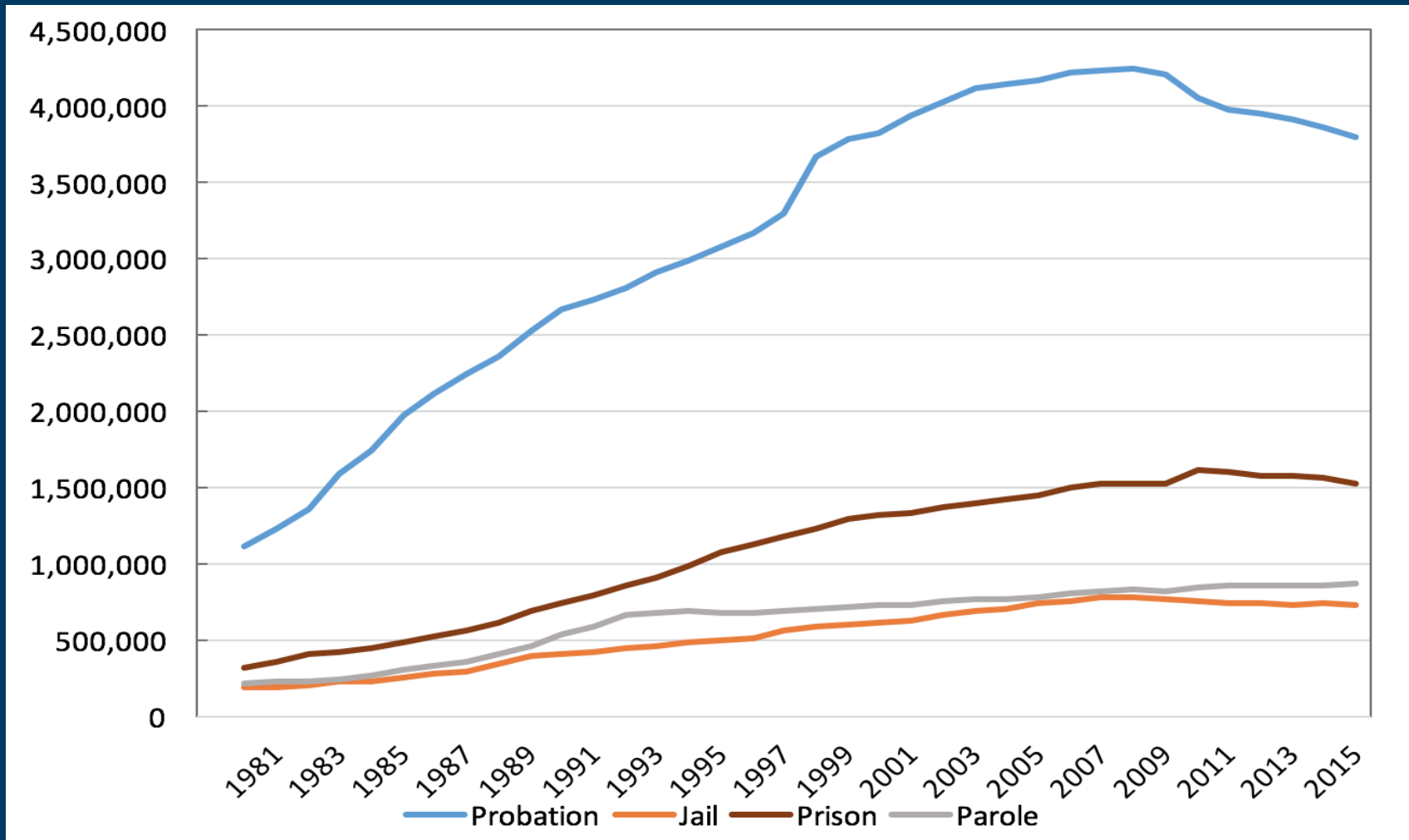
**County Chief Adult Probation and Parole Officers Association of Pennsylvania**

Vincent Schiraldi, Co-Director Columbia Justice Lab  
September 17, 2018

# PRESENTATION OUTLINE

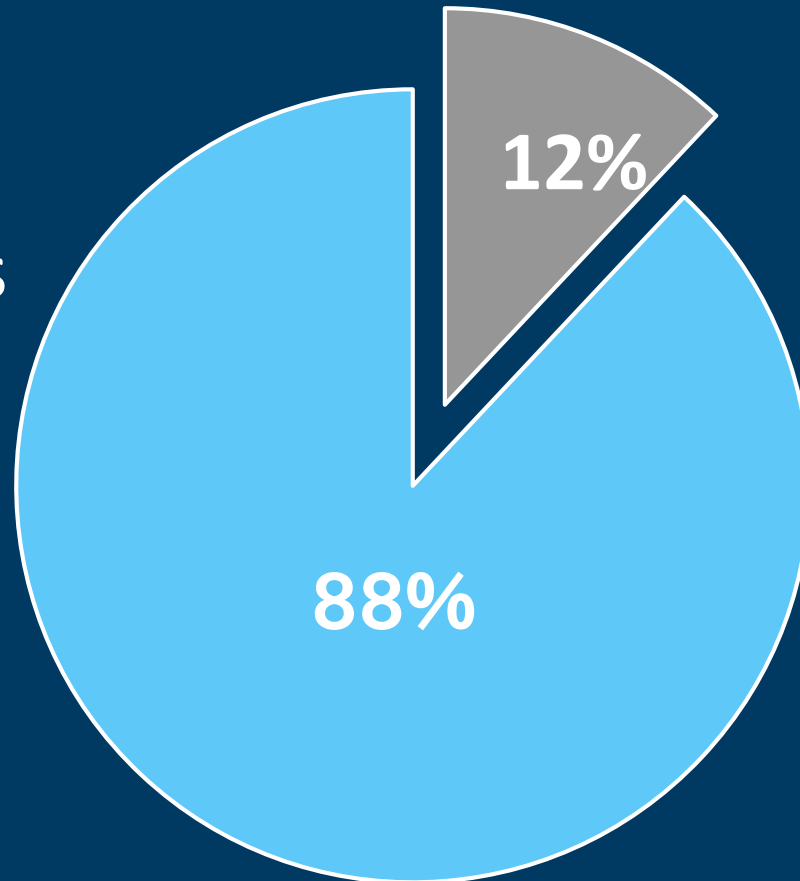
- National Context
- The Pennsylvania Story
- Why downsize community corrections
- Growing National Consensus
- What's happening in other jurisdictions?
- Thoughts on Pennsylvania

# A NATIONAL PROBLEM: THE GROWTH OF COMMUNITY CORRECTIONS



# PRISONS DOMINATE SPENDING

Across 34 states,  
nearly 9 of 10  
correctional dollars  
went to prisons in  
FY2008



**AMOUNT TO PROBATION  
AND PAROLE**  
\$2.52 billion

**AMOUNT TO PRISONS**  
\$18.65 billion

**TOTAL CORRECTIONS  
SPENDING**  
\$21.17 billion

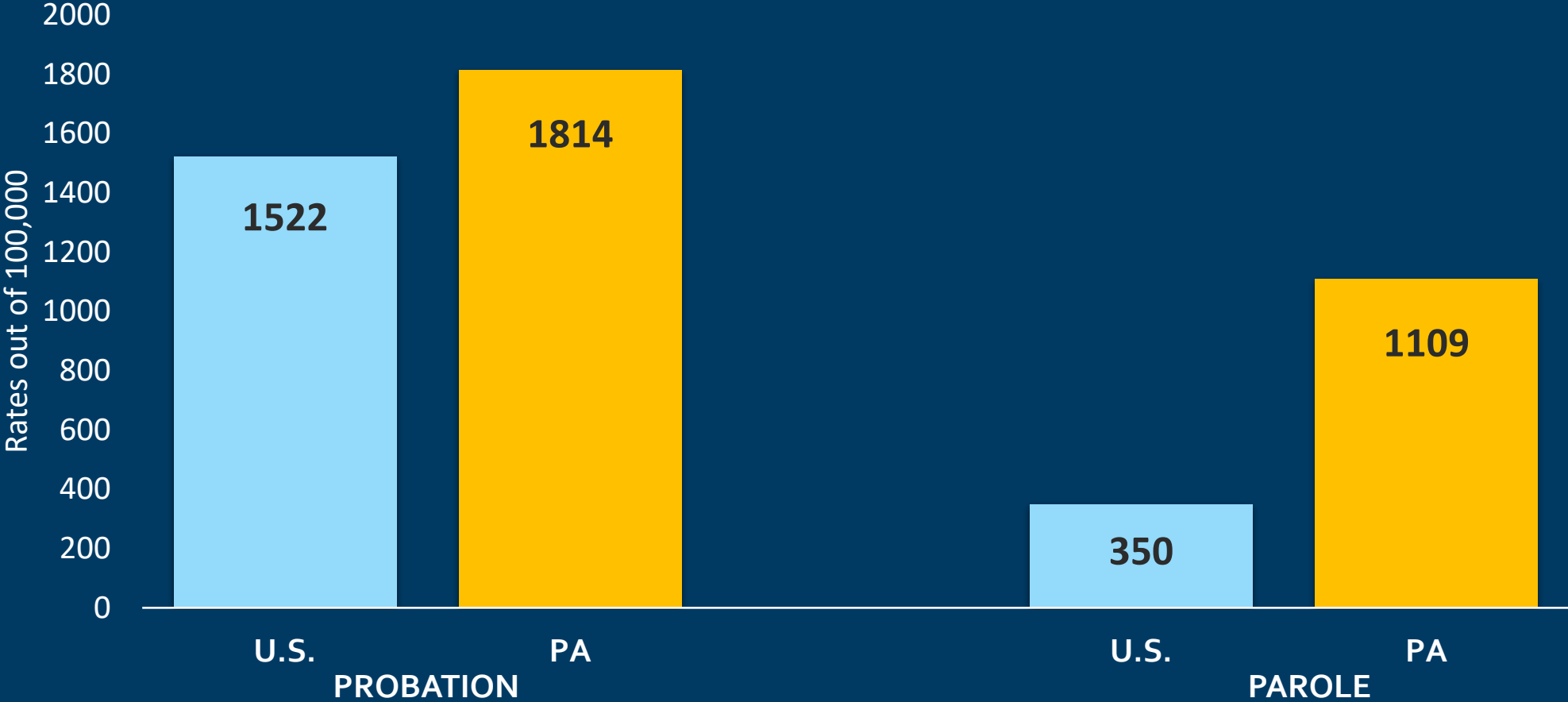


# PENNSYLVANIA: A COMMUNITY CORRECTIONS OUTLIER

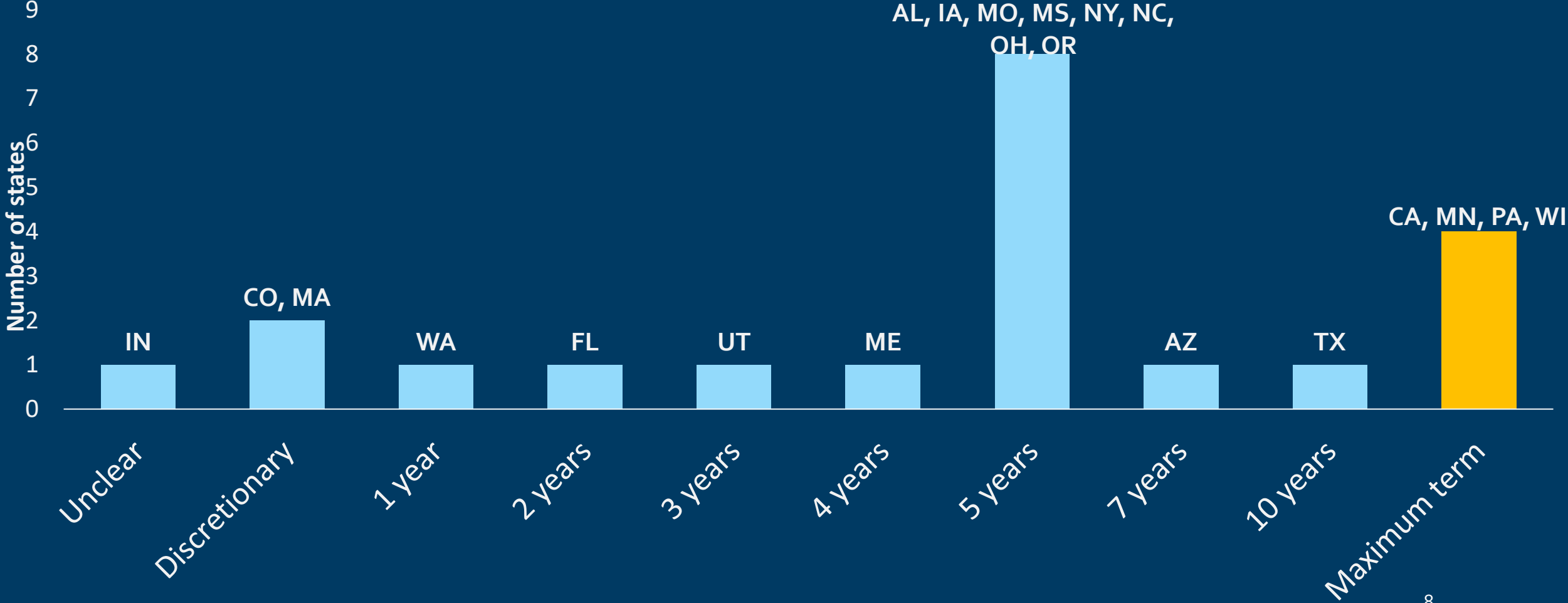
## Pennsylvania

- Highest number and rate of parole supervision in the US; three times the national average
- Highest rate of parole and probation in the Northeast
- 3rd highest community corrections rate in the country
- 296,000 on supervision in PA, almost the population of Pittsburgh

# RATES OF PROBATION AND PAROLE PER 100,000

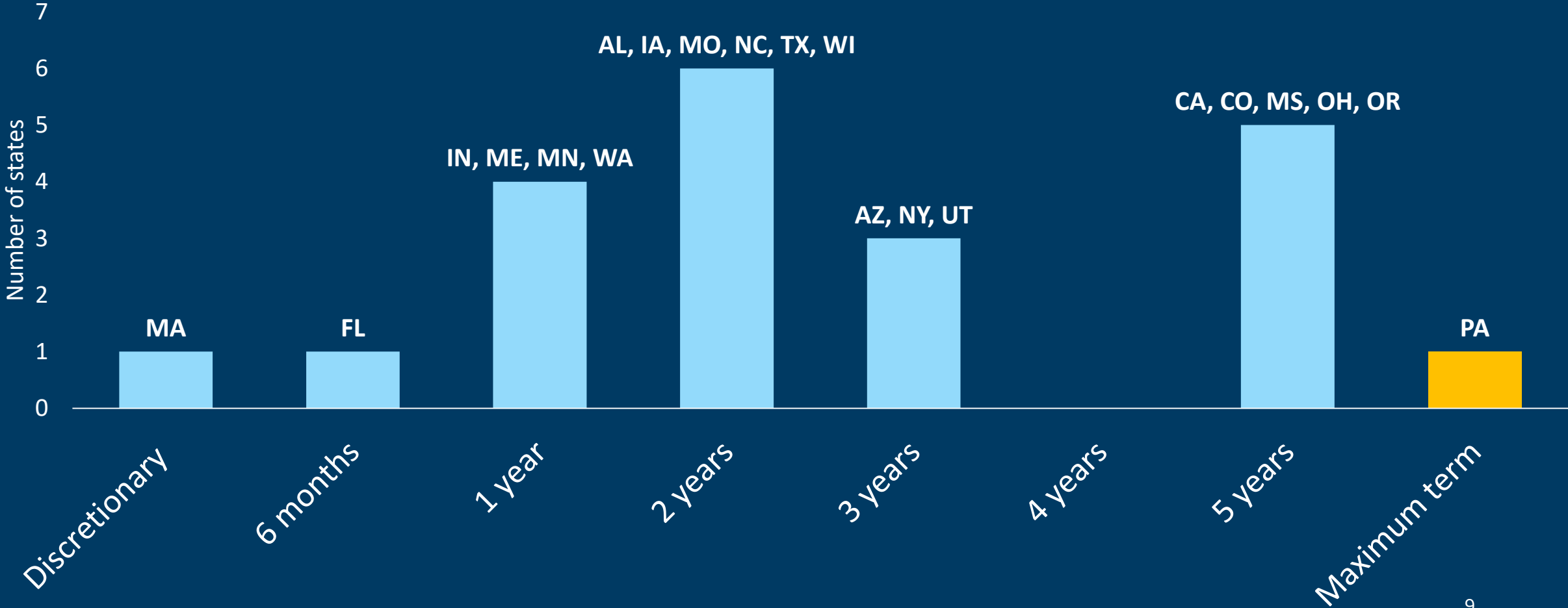


# MAXIMUM LENGTH OF FELONY PROBATION, BY STATE



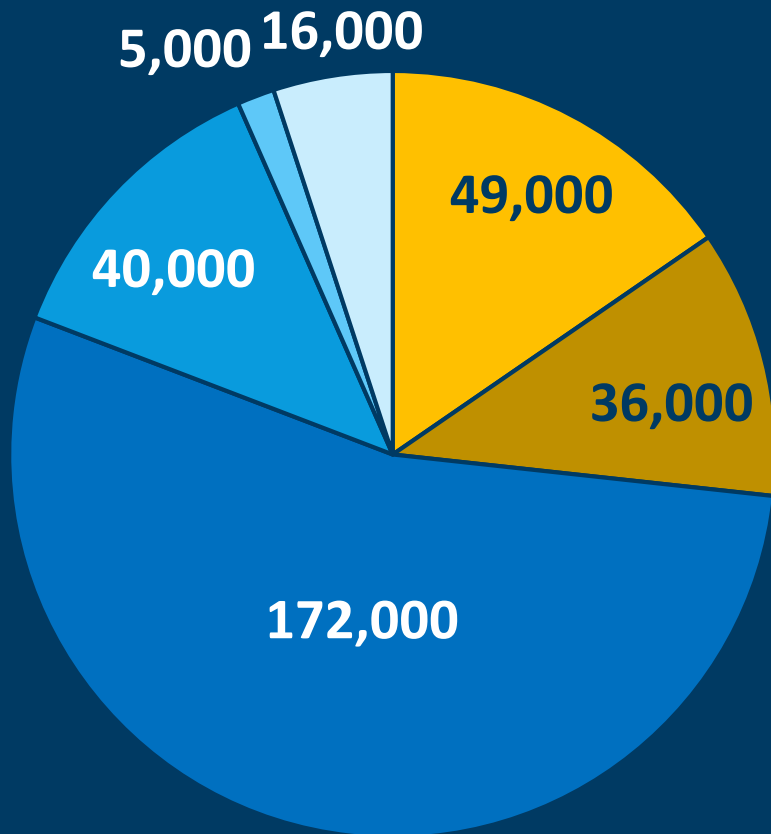


# MAXIMUM LENGTH OF MISDEMEANOR PROBATION, BY STATE

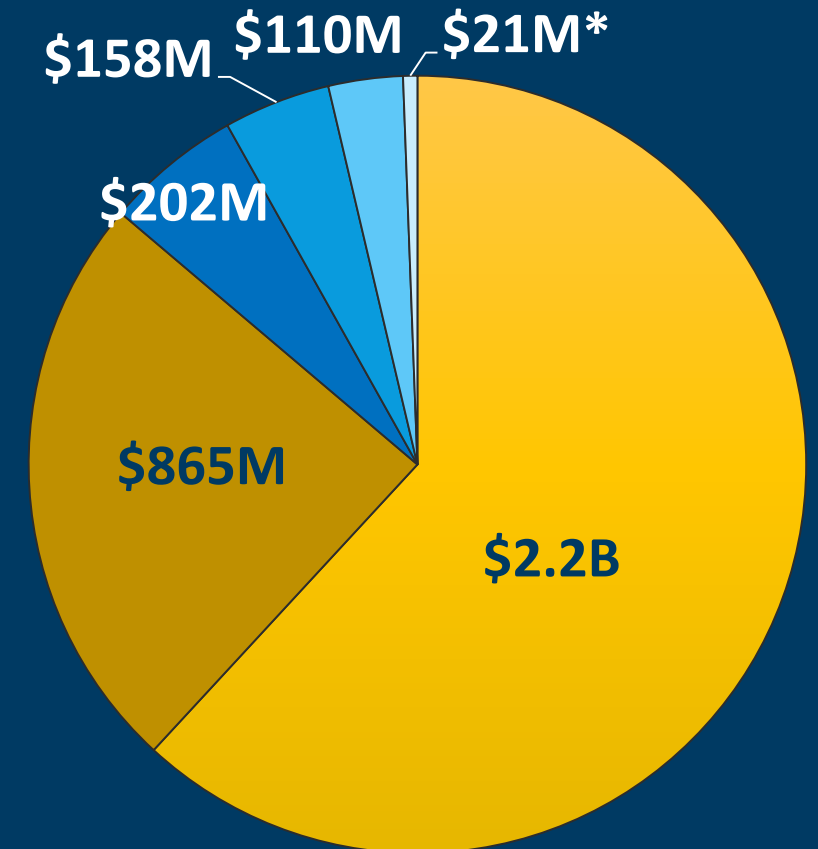


# SUPERVISION IS 73% OF THE CORRECTIONAL CONTROL POPULATION BUT ONLY 14% OF EXPENDITURES

People

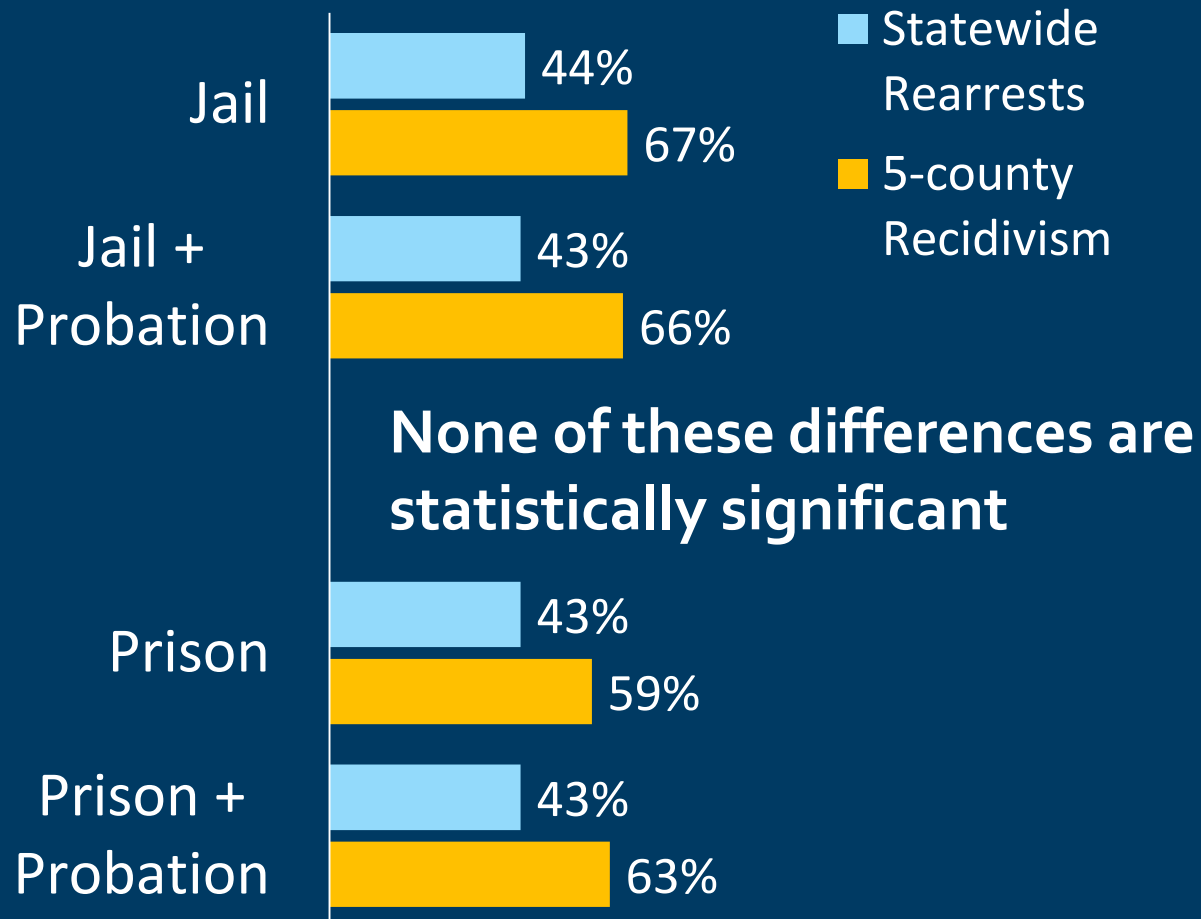


Spending



- State Incarceration
- Local Incarceration
- Local Prob/Parole
- PBPP
- Comm. Corr.
- CIP

# PROBATION TAILS SHOW NO RECIDIVISM BENEFIT



- Three-year Matched Group Recidivism Rates, 2009 and 2012 Sentencing Cohorts
- Split sentences did not improve recidivism rates compared to jail or prison alone.

# HOW “MASS SUPERVISION” CONTRIBUTES TO “MASS INCARCERATION”

## Pennsylvania

- 1/3 of PA’s prison beds are occupied by people who have violated conditions of probation or parole, costing the state \$420 million a year
- Nationally, 28% of admissions to prison in 2014 were the result of a parole violation
- In PA, 45% of prison admissions were the result of parole violations

# HOW “MASS SUPERVISION” CONTRIBUTES TO “MASS INCARCERATION”

## Philadelphia

- 1 in 22 adults in Philadelphia is under community supervision, more than double the national average (1 in 53)
- Half of people incarcerated in Philadelphia jails are held on parole or probation detainers.

# WHY REDUCE COMMUNITY CORRECTIONS?

- Deprivation of liberty and trip wire to incarceration
- More is not better – supervising low-risk people *increases* their likelihood of re-arrest
- Lengthy supervision terms:
  - strain department resources
  - put people at risk of incarceration for technical violations
- Diminishing returns: Most re-offenses occur in first 1-2 years

# HARVARD KENNEDY SCHOOL EXEC SESSION ON COMMUNITY CORRECTIONS

## FIVE PRINCIPLES

1. To promote the well-being and safety of communities;
2. To use the capacity to arrest, discipline, and incarcerate parsimoniously;
3. To recognize the worth of justice-involved individuals;
4. To promote the rule of law, respecting the human dignity of people under supervision and treating them as citizens in a democratic society; and
5. To infuse justice and fairness into the system.

# HARVARD KENNEDY SCHOOL EXEC SESSION ON COMMUNITY CORRECTIONS

## 14 Recommendations

- From mass supervision to focused supervision
- From time-based to goal-based
- From deficit-based to strengths-based

*Supervision should focus on only those who pose a high risk of reoffending, and it should last for periods no longer than are necessary or just, generally not more than one to two years*

*Individuals under supervision should be rewarded for improved behavior with a variety of incentives, including reduced time under supervision and reduced or eliminated supervision fees.*



# EXCERPT FROM STATEMENT ON THE FUTURE OF COMMUNITY CORRECTIONS

*As America's leading probation and parole officials and other concerned individuals and organizations recommend that the number of people on probation and parole supervision in America be significantly reduced by:*

- *Reserving community corrections for those who truly require it*
- *Reducing lengths of stay*
- *Exercising parsimony in imposing conditions*
- *Incentivizing progress by granting early discharge*
- *Eliminating supervision fees*
- *Preserving most of the savings to improve services*

# STATES HAVE ALREADY REDUCED POPULATIONS SAFELY

## Arizona

### The Safe Communities Act (2008)

- Earned credits for success on probation (time off sentence)
- Presentence risk/need assessments
- Evidence-based training and hiring

# STATES HAVE ALREADY REDUCED POPULATIONS SAFELY

A light blue map of the state of Arizona is centered on the slide. The word "Arizona" is written in white text across the top of the map.

## Arizona

### The Safe Communities Act

- 29% decline in probation violations, 2008-2016
- 21% decline in arrests for people on probation
- \$392 million in averted costs

# STATES HAVE ALREADY REDUCED POPULATIONS SAFELY

## Missouri



- Earned credits for success on probation (time off sentence)
- 36,000 people reduce terms by 14 months, 2012-2015
- 20% reduction in number of people under supervision
- Reconviction rates remained steady

# STATES HAVE ALREADY REDUCED POPULATIONS SAFELY

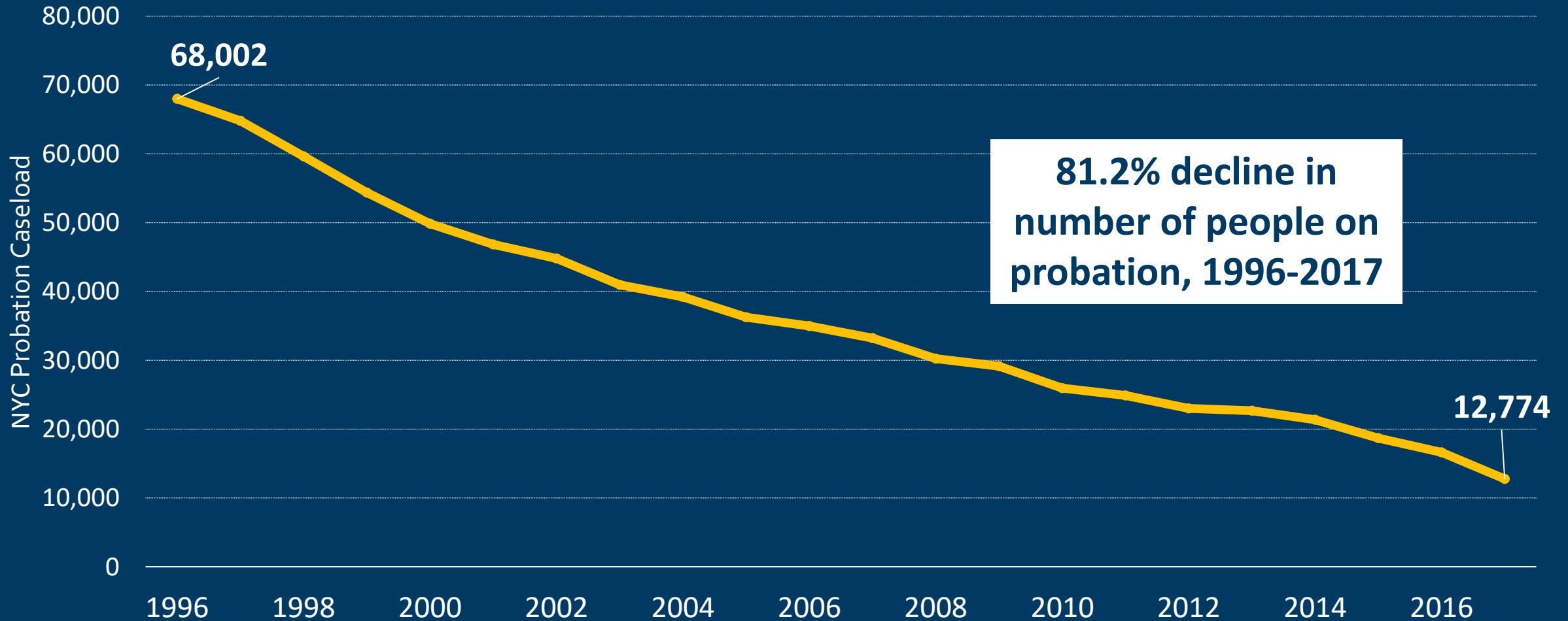
## Louisiana

- 3 year maximum probation term
- Earned credits for success on probation (time off sentence)
- Increased POs ability to use administrative sanctions
- Prohibits jail until 3rd violation
- Caps stay at 15/ 30/45 days for 1st, 2nd, and subsequent sanctions
- Completed time reduces jail/prison sentence if there is a violation

# REVOCAATION CAPS

Revoked from supervision	Alaska	Louisiana	Mississippi
1 <sup>st</sup> revocation	Up to 3 days	15 days	Up to 90 days
2 <sup>nd</sup> revocation	Up to 5 days	30 days	Up to 120 days
3 <sup>rd</sup> revocation	Up to 10 days	45 days	Up to 180 days or remainder
4 <sup>th</sup> and subsequent	Up to remainder		Up to remainder

# NYC PROBATION CASELOAD (1996 - 2017)



# NEW YORK CITY OUTCOMES

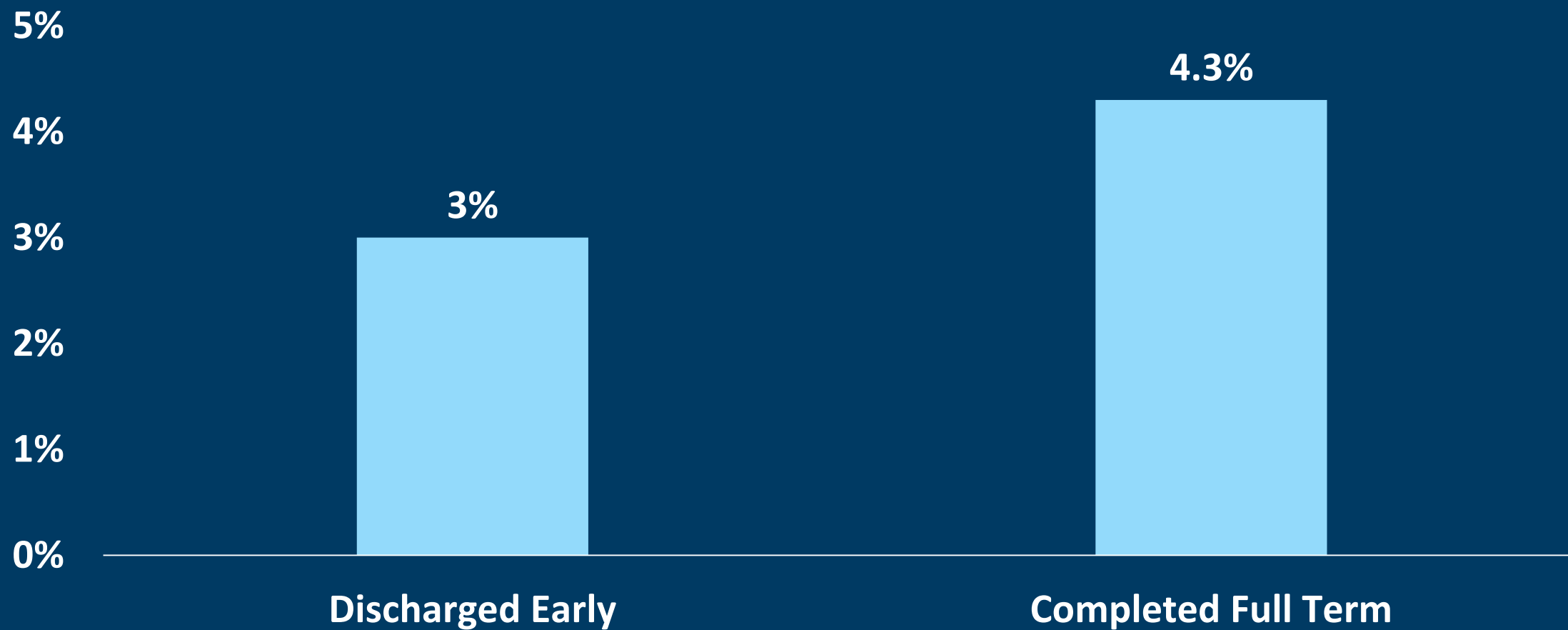
- Use savings to focus on higher-risk and improve services:
  - Despite \$23 million budget cut, doubled per-person expenditure from 2002 to 2016
  - Initiated new programs: NeON, Arches, ACE, etc. (2-54 contracts)
- 57% decrease in violent crime in NYC during that time
- 55% decrease in jail usage during that time



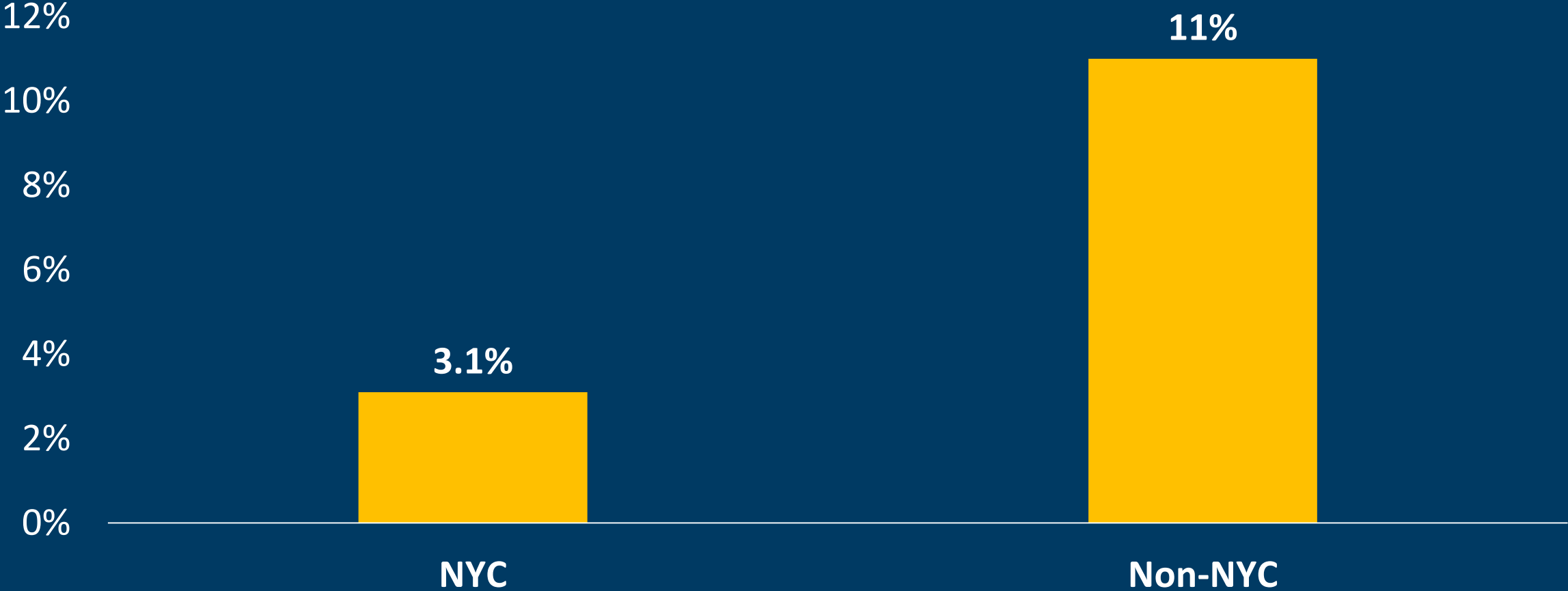
# NEW YORK CITY – MODEL OF REFORM *WITHOUT* LEGISLATION

- 45% decline in violations 2010 - 2012
- 6-fold increase in early discharges to 17% - lower recid.
- 2/3 of supervisees on kiosks – lower recidivism
- 5,4,3 for felonies; 3 or 2 for misdemeanors (16% > max)

# FELONY RECONVICTIONS AMONG PROBATIONERS, NYC



# NY STATE VIOLATION RATES - NYC/NON-NYC



# THOUGHTS ON PENNSYLVANIA

- Shorten probation and parole terms
- Incentivize good behavior
- Cap revocation terms
- Capture savings and use for housing, employment, education, drug/mental health treatment services and more reasonable caseloads

# NEVER LET A GOOD CRISIS GO TO WASTE – SOMETHING TO CONSIDER FOR YOUR COUNTY

- Work with your judges/local stakeholders to agree to shortened terms/distance reporting/ limited revocation terms/early discharge parameters
- Write them into policies, staff position descriptions and performance reviews
- Work with budget personnel to cut a deal on savings

# NEVER LET A GOOD CRISIS GO TO WASTE – CONSIDERATIONS FOR CCAPPOA

- Launch an educational/lobbying campaign to shorten terms, give earned time credit and cap violations
- Develop a position paper to publicly call for a more focused system
- Calculate the savings and publicize the improved outcomes that are expected based on the experience of others
- Support already existing legislation

# PROBATION LEGISLATION IN PENNSYLVANIA

## SB 1067 (Sen. Williams)

- Limit probation to 3 years for a misdemeanor, 5 years for a felony
- Prohibit “probation tails”
- Cap revocation terms: misd. = 6 mos; felony = 1 yr; technical = 30 days
- Terminate probation at 18 mos if no violation
- Require Sent. Commission to adopt guidelines for graduated responses
- Make retroactive for people serving more than one year on a technical

# CONCLUSIONS

- PA has a community supervision problem
- This is a national trend that you're on the extreme end of
- This doesn't improve public safety, may reduce it
- Numbers can be reduced safely
- People need help, not just to be watched closer/longer
- Need legislation and practice changes



# RESOURCES

- *The Pennsylvania Community Corrections Story.* April 2018
- *Too Big to Succeed: The impact of the growth of community corrections and what should be done about it.* January 2018
- *Less is More in New York: An Examination of the Impact of State Parole Violations on Prison and Jail Populations.* January 2018
- *Statement on the Future of Community Corrections.* August 2017
- *Toward an Approach to Community Corrections for the 21st Century.* July 2017



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## For more information

*The Pennsylvania Community Corrections Story:*

<https://bit.ly/2FdxMdO>

<http://justicelab.iserp.columbia.edu/>

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