

Probation, Parole and Public Safety: The Need for Principled Practices Versus Faddism and Circular Policy Development

By Mario Papanozzi

Numerous elected officials, as well as the general public, have historically been irresolute in their support for traditional probation and parole programs.¹ As well, the storied history of probation and parole abounds with debate regarding the extent to which it is as critical to crime prevention, justice and public safety as are other components of the criminal justice system (e.g., police, courts and prosecution).² Indeed, even the probation and parole profession itself has often experienced internal philosophical divisions regarding its mission and purpose.³

During the 1990s, there was an appreciable and obvious increase in professional partnerships between probation and parole agencies and other criminal justice system components. This important trend toward criminal justice system inclusion and collaboration is, at the same time, critical to the success of the profession and a potential source for obfuscation or loss of identity and purpose.

To maintain its professional identity as a viable public safety program, probation and parole must embrace and tout its contributions to justice, crime prevention and public safety. These results are valued by the general public and, if emphasized through policies and practices, will assure probation and parole's rightful place in the spectrum of criminal justice services that are publicly and privately funded. Without the conceptual parameters provided by a results-driven vision for specified outcomes, the dynamics of bureaucracies and politics, rather than scientific evidence and sound theory, construct the realities of the practice of probation and parole. Moreover, in the new found world of collaborative partnerships, probation and parole is just as likely to assume the identity of its partners as to maintain its own professional identity as equal partners and not a subsidiary or worse subsumed function within the criminal justice system.

Probation and parole is a matter of serious consequence; it interacts with matters of life, death, harm and cost to society.⁴ In the end, the value of probation and parole services will require hardening the relationship between policies, programs and practices, as well as operationalize outcome variables that are relevant to public policy.⁵

The Ideological Cycles Of Probation and Parole

For the past four decades, probation and parole has undergone numerous, and seemingly discursive, iterations of professional practices. For the most part, the practice has been underpinned by a potpourri of conceptual paradigms. Since the early 1960s to the present, there have been four discernable ideologies: offender rehabilitation (late 1960s to mid-1970s); offender punishment and justice for victims (mid-1970s to early 1980s); intermediate sanctions, punishments and treatment interventions (mid-1980s to late 1990s); and community involvement, interagency collaboration and offender re-entry (late 1990s to 2002).

While each of the ideological eras just noted tap into very different public sentiments about crime, offenders and victimization, they are united through their common inferences about desired outcomes for probation and parole services. In this regard, and regardless of the particular epoch, probation and parole practitioners, as well as the professional leaders in the field, have embraced the notion that their professional goals should encompass all or some combination of the following:

- Crime prevention — Address community factors that are associated with high rates of crime;
- Public safety — Short-term risk management of probationers and parolees, and long-term reduction in rearrest rates for individuals under supervision;
- Justice — For victims of crime, as well as probationers and parolees; and
- Restoration — Reparations to individual crime victims and to communities affected by crime.

Notwithstanding broad agreement from professional insiders, as well as those outside the profession regarding the importance of producing valued outcomes, there has been intense practitioner discordance concerning the actual establishment of policies, programs and practices whose mission, goals and objectives assure that two essential assumptions about value be considered before programs are designed and implemented.⁶

National Versus Local Definitions of Value. Has value been locally defined? In other words, have probation and parole service providers consulted with local external stakeholders to find out what they want in return for their tax dollars?

Relationship Between Strategies and Outcomes. Have practitioners adequately explained to local constituents which evidence-based policies, programs and practices produce which valued outcomes?

Business Model Benefits

In response to calls for demonstrable value, probation and parole agencies have in recent years come to accept two profound changes in the way that they establish programs and affirm policies and practices for offender supervision: ground best practices in evidence-based results whenever possible and produce easy-to-use data for legislators that emphasize effectiveness (outcome) over activity (process).

The adoption of the language of best practices and outcomes has placed the profession at the threshold of what can be best described as a business model. But instead of assuring maximum total shareholder value, as is the case in successful businesses, probation and parole professionals are called upon to assure maximum total taxpayer value.

There has been extensive research done at the national and international levels that has identified correctional programs that reduce offender recidivism.⁷ Notwithstanding this extensive and growing body of knowledge, and its extremely positive public safety implications, many politicians and the general public remain frustrated with probation and parole at the local level. Likely, this frustration derives from the failure of local practitioners to provide clear evaluative data about the programs. The absence of clear and convincing program evaluation data establishes the foundation for ideologically driven, as opposed to the more preferred evidence-based policies, programs and practices.

Indeed, a healthy professional respect for research evidence would result in the formulation of policies and practices that would reaffirm offender rehabilitation as the preferred strategy for achieving long-term public safety. Such an affirmation might even serve to put to rest the debate as to the efficacy of rehabilitative versus punishment strategies for achieving public safety. The affirmation of rehabilitation in this regard requires an ongoing demonstration of the positive correlation between rehabilitation-based offender supervision and individual offender recidivism rates. Absent an empirical contribution of offender rehabilitation to public safety, the matter of maximum total taxpayer value remains unanswered.

Without tying offender rehabilitation to a public safety outcome, it becomes an appropriate probation and parole paradigm only when humanitarian and altruistic views toward offenders are the prevailing public ideologies; such was generally the case in the late 1960s and early 1970s. However, when public attitudes trend toward more severe punishment of offenders, as was the case in the mid-to late 1970s through the 1980s, the very term rehabilitation takes on the characteristics of a pariah. A focus on producing

maximum total taxpayer value could lead even staunch conservatives to view offender rehabilitation as being closer to a “bitter pill” to solve a public problem that often results in death, harm and economic loss, as opposed to an effort to force victims, specifically, and the public, in general, to “hug a criminal.”

Unfortunately, the imprudent convolution of offender rehabilitation as a strategy to an end, with its conceptualization as an end in and of itself, often resulted in calls for throwing out the “rehabilitation baby with the bath water.” It is notable that there are some individuals who embrace offender rehabilitation practices, but who have equally visceral and negative reactions to punishment-based approaches for controlling offenders in the short- and long-term. The stark reality is that both schools of thought, so to speak, are incorrectly defining strategies as final outcomes.

Because probation and parole is focusing on best practices and outcomes, the public safety benefits of offender rehabilitation strategies are getting a second look. The evidence is clear; if attention is paid to the type and quality of firm, fair and accountable rehabilitation services to offenders, there will be a decrease in their rearrest rates.⁸

Revenge as Taxpayer Value

Strict proponents of a rehabilitation agenda are quick to point out recent public opinion trends supporting alternatives to incarceration. However, a more balanced read of the trends in public opinion in this regard indicates that while a majority of the American public supports the use of alternatives for certain types of offenders, they still want strict and accountable alternatives that carry punishment-based consequences for offender noncompliance.⁹ In other words, the public wants, at some level, retributive justice (revenge) — offenders to “pay for their crimes.”

Whether one’s personal preferences lean toward or away from retributive justice is not the point. Some argue that it would be more humanitarian to move beyond revenge-based justice, while others cannot conceptualize justice without it. Fortunate or not, depending on one’s personal take on justice, American society in 2003 seems to be closer to ancient notions of revenge-based justice, as in “an eye for an eye,” than a more unemotional and tranquil view of it.

It is the responsibility of jurisprudential scholars, faith-based organizations, civic associations, and probation and parole practitioners to bring informed leadership to the retributive justice debate, and hopefully diminish the apparent widespread and longstanding public support for revenge. It is not the responsibility of these entities to force their ideological preferences onto citizens.¹⁰ If the general public, even after a full and thoughtful airing of all aspects of the revenge-based justice debate, supports one side or the other, then the principles of democratic government must prevail with regard to policies, programs and practices funded by tax dollars.

The foregoing articulation of the role of punishment appropriately proscribes punishment strategies to those areas of public value to which it is appropriate, and it duly removes punishment from the world of public safety. When

probation and parole services rushed toward the adoption of punishment-based approaches from the mid-1980s through the late 1990s in the hopes of achieving public safety, the field attempted to accomplish goals and objectives that are incongruous with foundational punishment-based principles.

A Transition Period

Probation and parole's response to the punishment agenda was somewhat precipitous. Starting in the 1980s, the field strove to redesign and repackage its policies, programs and practices in ways that were deemed to be consistent with the prevailing punishment agenda.¹¹ Briefly stated, it was believed that increased use of punitive practices would do what rehabilitation approaches could not do — increase public safety and thereby maximize the total taxpayer value. The entire range of intermediate sanctions and punishment programs is a testament to the profession's shift away from offender rehabilitation. The central policy hallmarks of these programs included such practices as rigorous surveillance through increased offender contacts; strict offender accountability (sometimes defined as zero tolerance); focus on negative consequences for noncompliance with regulations to the exclusion of positive rewards for exhibiting appropriate behavior; and perfunctory efforts to provide treatment services to probationers and parolees.

These innovative, and so-called, public safety probation and parole initiatives seemed to enjoy support from external and internal stakeholders. Program popularity, however, was more a function of ideology than empirical fact.¹² And, while the program designs appeased the retributive justice sentiments of much of the general public, their program evaluation findings indisputably established that such programs have, at best, no affect on individual offender recidivism and, at worst, it has a negative affect. In other words, the increased costs (approximately five to 10 times the cost of traditional probation and parole services) of these specialized punishment-based approaches produced no public safety benefit.

As of this writing, 6 million offenders are being supervised in the community, according to the Bureau of Justice Statistics. The implications for public safety and tax dollar expenditures from such a large number of offenders under community supervision cannot be overstated. If there is a silver lining in the burgeoning probation and parole case-loads, it is to be found in the increased attention that internal and external stakeholders alike are compelled to devote to the profession. The need to understand and respond to a problem of such large proportions has catapulted a display of criminal justice services at the federal, state and local levels to operationalize the notion of collaboration in very literal ways.

During the recent past, probation and parole has seen the beginnings of partnerships with police agencies, faith-based organizations, civic associations, social service providers and the like. These partnerships, unlike the earlier iterations of them in the transitional period, are true partnerships in the sense that the collective voice of probation and parole professionals is not subservient to other criminal justice partners. Probation and parole, the hereto-

fore *Oliver Twist* at the dinner table (i.e., too often unacknowledged and easily dismissible), has arrived.

In the emerging collaborative schema, probation and parole is often looked to for leadership for addressing crime as a community-based social problem. In light of the foundational community-based origins of probation and parole, it is extremely appropriate that the profession lead and inform discussions about best practices in this regard. Probation and parole has given new meaning to the notions of building human and social capital in high-crime areas. In short, the profession has recognized that the "seeding" side of "weed and seed" programs, specifically the focus on rebuilding strong local economies and supportive families, neighborhoods and schools, begs for the values, knowledge and practices so fundamental to probation and parole.

Cutting-edge principles and practices in the field represent the need to pay attention to community wellness. Informal social controls, such as those found in healthy communities, and not a sole reliance on saturation policing in high-crime areas, will mitigate the forces of deviance, delinquency and crime in the long term. To understand the critical importance of healthy, informal, community-based social controls, one only need consider virtually any community that enjoys low crime rates; these are natural models of the well communities, and probation and parole professionals seek to learn from them.

What do these well communities have that communities plagued by crime do not? Some possible answers include average or above average school systems; economically viable infrastructures; active faith-based and civic organizations; and adequate resources for effectively responding to problems, such as juvenile delinquency, drugs and alcohol, and domestic violence.

As probation and parole builds its future, the call will be for a more expansive conceptualization of its duties and responsibilities. This expanded professional role, begun during the past four years, requires a redefinition of staff workload. The redefinition that is required will be underpinned by concern for short-term risk management and long-term behavioral reform of individual offenders. Added to this foundation should be:

- Enhanced services for crime victims, especially a renewed attention to victims residing in the most at-risk (high-crime) areas;
- Services provided to individuals at risk of negative criminal justice system involvement, even if they are not under correctional control; and
- A commitment to rigorous outcome-driven evaluations of all programs, policies and practices to assure the establishment and maintenance of publicly valued services.

If successful, the new community wellness collaborative paradigm will, at the very least, better coordinate resource expenditures that have, heretofore, been spent by individual agencies without due consideration for redundancy and need across all related and publicly funded agencies. The most optimistic scenario will result if and when individual offenders and high-crime neighborhoods break their cycles of crime and, therefore, cause a reduction in the need for

criminal justice and social service system responses.

The following are some suggestions for framing an organizational model for success in probation and parole:

- Respect publicly valued outcomes, including, but not limited to, retributive and social justice concerns;
- Make it subject to ongoing program evaluation research that focuses on benefit and cost;
- Measure value added through useable information about intermediate performance and final results, as recommended by the American Probation and Parole Association; and
- Recognize that crime and criminality are serious public health problems that cannot effectively be ameliorated without earnest collaboration across the full spectrum of law enforcement, offender treatment and social services agencies that heretofore sequestered themselves from essential partners.

Granted, it may be difficult to believe that the most optimistic scenarios for probation and parole will ever come to fruition. Nevertheless, a vision of optimism is a necessary ingredient to abandon a 30-year cyclical history. It is, after all, the vision and commitment to valued results that will organize professional thinking to focus in a direction that will make the future possible; without it, probation and parole will be destined to recycling through much of its past.

ENDNOTES

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