

Reducing Revocations of Community Supervision for Rule Violations

BY AMANDA ESSEX

Nearly 1 in 4 people who are in prison are there for violations of community supervision, also known as probation or parole, [according to research](#) from the Council of State Governments Justice Center (CSGJC). Technical violations of supervision—when someone breaks a rule that may result in a sanction or revocation—cost states \$2.8 billion annually.

Often when an individual is charged with a supervision violation, he or she has to wait for days or even weeks before a hearing. [During the pandemic](#), these delays have been exacerbated by the suspension and reduction of court operations. Arresting and incarcerating people for violations while they wait for a hearing can impact all facets of life, including work and family obligations, and can jeopardize progress made under supervision, according to [research by The Pew Charitable Trusts](#).

There are a number of policy changes specific to rule violations that states can explore to reduce the budgetary impacts of correctional control while not compromising public safety. Some of those changes include limiting arrest and incarceration prior to revocation hearings, limiting the use and capping the length of incarceration, and authorizing the use of non-prison sanctions.

Limiting Arrest and Incarceration Prior to Revocation Hearings

One approach states have taken to reducing the arrest and incarceration of people under community supervision has been expanding the authority of supervision agencies to respond to violations, rather than requiring individuals to go before a court or parole board.

The [Probation Management Act](#), enacted in Georgia in 2004, allowed for administrative sanctions in response to probation violations. An [evaluation of the act](#) found that people who were supervised under the program created by it spent less time in jail than others under supervision in the same area but not part of the program. The evaluation explains that one important outcome of this policy change is the significant cost savings that can be realized due to reduced jail time.

Figure 1: Potential Reductions in Prison Population and Cost Savings in Georgia

	1 year	3 years	5 years
Prison Population Reduction	1,868 people	4,402 people	5,286 people
Cost Savings	\$6.49 million	\$123 million	\$313 million

Source: [Course Corrections Cost Calculator](#), The Council of State Governments Justice Center

Limiting the Use and Capping the Length of Incarceration

CSGJC’s research found that supervision violations were responsible for [more than half](#) of prison admissions in 20 states. Many states have placed limits on incarceration as a response to technical violations of supervision. Some states specify in statute a limit on the length of incarceration for a technical violation, others set a maximum within a given period, and still others make caps dependent on the number and severity of supervision violations.

Georgia, for instance, caps incarceration at two years for most violations, but the cap is 120 days for violations related to failing to pay fines and fees. In South Dakota, incarceration for a technical violation of supervision is capped at 48 hours.

A [cost calculator](#) from CSGJC explores the budgetary impact in states of reducing the number of revocations of supervision. Looking at Georgia, a 50% reduction in revocations over the course of six months would result in 1,868 fewer people in prison and reduced costs of \$6.5 million in one year. Over five years, the calculator projects 5,286 fewer people in prison and reduced costs of \$313 million (see Figure 1).

Using the cost calculator to compare a similar reduction in South Dakota, the state could see 678 fewer people in prison in one year and \$1.53 million in reduced costs, with those numbers increasing to 924 fewer people in prison and more than \$61 million in reduced costs over five years (see Figure 2).

Authorizing the Use of Non-Prison Sanctions

States have expanded the authority of supervision agencies to respond to violations with non-prison sanctions. This includes establishing graduated sanctions policies that create clear community-based sanctions or short jail stays to respond quickly to technical violations. The severity of the sanctions is intended to be proportionate to the seriousness of the violation.

South Carolina’s 2010 justice reinvestment legislation allowed supervision officers to use administrative responses to violations rather

Figure 2: Potential Reductions in Prison Population and Cost Savings in South Dakota

	1 year	3 years	5 years
Prison Population Reduction	678 people	918 people	924 people
Cost Savings	\$1.53 million	\$31.5 million	\$61.7 million

Source: [Course Corrections Cost Calculator](#), The Council of State Governments Justice Center

than incarceration. Potential responses include verbal and written reprimands, public service, fees and home visits, among others. The Urban Institute conducted an [analysis of the impact](#) of the state’s policy changes and found a 46% decrease in revocations, and a [report to the legislature](#) in December 2011 calculated the state’s savings in the first year of the legislation at \$4.2 million.

Reducing Length of Supervision

In addition to reducing the reliance on incarceration for supervision violations, reducing the length of supervision can result in cost savings. [Recent Pew research](#) into the [length of probation terms](#) across the United States found that average terms ranged from 9.3 months in Kansas to nearly five years in Hawaii.

People are most likely to reoffend early in their probation term, with recidivism rates dropping significantly after the first year of supervision. Pew’s analysis of data in Oregon and South Carolina found that among people who were on probation for a year without being arrested, more than 90% could have spent less time on supervision without an impact on rearrests. Such changes could have reduced South Carolina’s average probation term from 26 to 18 months, and Oregon’s from 24 to 14 months, without harming public safety.

Even though people successfully completing supervision are less likely to reoffend, they are still subject to rules that may lead to violations, such as missing an appointment with a supervision officer. [Earned compliance credits](#) and [caps on supervision lengths](#) are two policy changes that can shorten supervision terms and reduce an individual’s likelihood to be incarcerated for a supervision violation. Both [California](#) and [Michigan](#) recently implemented new supervision caps.



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