



Toward an Approach to Community Corrections for the 21st Century: Consensus Document of the Executive Session on Community Corrections

Executive Session on Community Corrections and This Consensus Document

This consensus document¹ is unique among the papers that will be published as a result of the Executive Session on Community Corrections. To our knowledge, this report represents the first time that a Harvard Executive Session relating to criminal justice has published a consensus document on its subject of focus. Members of the Executive Session on Community Corrections have come together over the past three years with the aim of developing a new paradigm for correctional policy at a historic time for criminal justice reform. Executive Session members have worked during that time to explore the role of community corrections and communities in the interest of justice and public safety. During our deliberations and research, it was apparent that there was strong consensus developing over principles and practices that should guide the reform of community corrections going forward. This report is the result of that consensus.

The Executive Sessions at Harvard Kennedy School bring together individuals of independent standing who take joint responsibility for rethinking and improving society's responses to an issue. Members are selected based on their experiences, their reputation for thoughtfulness, and their potential for helping to disseminate the work of the Session.

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Guiding Values

The values of life, liberty, and equality before the law are fundamental to American citizenship and democracy. From our Constitution to the Civil Rights Act, due process revolution, and beyond, our core American principles center on individual autonomy and liberty, the ability of Americans to contribute meaningfully to the institutions that govern them, and to be treated equally by the law and their government. These are democratic imperatives to which all Americans bear witness. It follows that democratic institutions are those that are fair and transparent in their procedures and decisions, embody channels for transmitting citizens' preferences to authorities and officials, and contain checks on arbitrary abuse of power. Justice-involved Americans do not surrender their constitutional protections or citizenship, and the institutions through which they travel must uphold these principles. Our motivating idea, therefore, is this: America's community corrections systems must reflect and embody the normative values of the wider democracy in which they reside.

With these fundamental premises in view, we articulate a basic vision of the values that should guide community corrections specifically. Changing practices will only make

our system more just and enhance the safety of our communities if such reforms rest on a foundation of core values embedded within the larger democratic society. Values affirm the basic mission of justice and establish standards of behavior to which agencies (and the people within them) should aspire and be held. What are the core values and principles to establish justice within community corrections? What should we aim toward as a system within a broader democratic system of government?

First, the fundamental mission of community corrections as well as the broader system of criminal justice is the well-being and safety of American communities. Community well-being describes stability in everyday life, rooted in the social bonds of neighborhoods and families that allow individuals to flourish.

Second, the capacity to arrest, discipline, and incarcerate is an awesome state power that is legitimately used to promote public safety, accountability for violations of the law, and justice for all those affected, directly or indirectly, by crime. But that authority must be used parsimoniously and justly to prevent the possibility of harm to individuals, their families, communities, and the foundational principles of our democracy.

Third, community corrections agents must recognize the worth of justice-involved individuals. Community corrections should be geared toward facilitating individuals' success and effective integration into community life and helping them repair any harm caused to their fellow citizens. Doing so restores human agency and dignity, a sense of control over one's destiny, and helps individuals promote the sustained well-being of their families and communities, over time and across generations.

Fourth, community corrections agencies must be pillars of the rule of law, respecting the human dignity of people under supervision and treating them as citizens in a democratic society, free of arbitrary treatment, disrespect, and abuses of power. Building genuine community trust and establishing fairness and legitimacy are critical to the mission of community corrections. To advance this mission, community residents should be mobilized and engaged as co-producers of justice who have a stake in realizing the goals of safety and justice.

Finally, our collective aspiration for community corrections is not guided simply by the goals of harm reduction, maintenance of order, or minimizing the size of the system and the numbers of Americans processed through it. We aspire to infuse justice and fairness into a broader criminal justice system that so often runs afoul of it, compromising the trust between citizens and authorities. We aspire to help people become better parents and siblings, neighbors, and citizens than when they entered the penal realm.

We aspire to operate community corrections so that our nation's ideals can be seen and felt within this system by those whom it serves.

We will not achieve these ideals through piecemeal tweaks to the current system, no matter how rigorous the science or how well intentioned the reformers. For our system of community corrections to embody these values, it is our view that the following broad and comprehensive paradigm shifts are necessary.²

Community Corrections Paradigm Shifts

From punishing failure to promoting success.

For much of its history, community corrections aimed to assist people who had broken the law to resume their lives and responsibilities in the community. It also sought to relieve growth in prison populations, providing an alternative to incarceration at sentencing (probation) and a safety valve when prisons became too crowded (parole). But as our nation grew increasingly punitive over the last four decades, the ethic of community corrections too often shifted from its original mission to one of “trail ‘em, nail ‘em, and jail ‘em.” Parole and probation populations rose to behemoth levels, peaking at 5.2 million people in 2009.

We reject this approach. “Trail ‘em, nail ‘em, and jail ‘em” destabilizes communities, undermines the legitimacy of correctional agencies, erodes trust between communities and authorities, and increases recidivism among those under supervision. We call instead for a system of community corrections that promotes an

individual's chances of success. All people under community supervision should be viewed as having the potential to succeed. In many cases, they face an array of factors that limit their prospects, and these factors can only be overcome with significant support. 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. Moreover, agency practice should eschew needlessly depriving people on probation and parole of their liberty through frivolous violations, instead emphasizing behavior change by providing robust opportunities for, and rewarding, progress.

From mass supervision to focused supervision.

Instead of serving as a check on the unbridled growth of jails and prisons, community corrections has followed and surpassed corrections growth, often widening the net of social control and compounding the damage of “mass incarceration” with “mass supervision.” At its peak, when the U.S. incarceration rate had grown fourfold, reaching 1 in 100 adults behind bars, the proportion of adults under the supervision of parole and probation rose to 1 in every 45 adults. Taken together, by 2008, the combined rate of correctional control was 1 in 31, or more than 3 percent of American adults.

Too many people who are low-risk or have committed low-level offenses are drawn into our criminal justice system, negatively impacting their lives and their families, tagging them with criminal records that inhibit later prospects, and clogging the system. While a limited number of

individuals require the supports and supervision afforded through parole, probation, and community organizations, there is no evidence that this extraordinary level of supervision has enhanced public safety. Instead, research reveals that supervising individuals who present a low risk of future offending enhances, rather than reduces, the risk of recidivism, while providing tripwires to unnecessary violations and incarceration and distracting community corrections agencies from focusing on those most in need of supervision and support. Supervision should instead 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. These modest changes, which comport with both research findings and the principle of parsimony, would serve to substantially shrink the number of people under supervision, allow community corrections agencies to focus limited resources on those in greatest need of supervision, and create a less bloated system.

Jurisdictions around the country have initiated “light-touch” diversion, providing such individuals with either pre- or post-arraignment opportunities to avoid deeper system involvement. Such diversionary tactics may involve merely a time period in which individuals must avoid further violations of the law, participate in programming, or perform community service, after which their cases are dismissed. While caution is warranted here (such pre-conviction conditions can either skirt due process protections or unnecessarily widen the net of social control), we are convinced

that, if well-designed, diversionary schemes can address accountability, avoid unnecessary system penetration, improve safety and individual outcomes, and lighten community corrections caseloads.

From time-based to goal-based. Too many people under community supervision in America are simply marking time until their term of supervision ends. This is not only ineffective and costly, but it conveys the wrong message to both staff and people under supervision — that the purpose of supervision is just to “make it to the end,” rather than to successfully adopt prosocial behaviors and improve outcomes in educational attainment, job training, successful family roles, and so on.

Since most reoffending occurs within the first year or two of supervision, resources should be “frontloaded” to that period to maximize public safety impact. Beyond then, when rearrest rates drop, continued supervision has less potential to depress criminality, and it partially deprives people of their full liberty unnecessarily while stretching community corrections resources. Supervision periods should have a relatively short maximum term limit — generally not exceeding two years — but should be able to terminate short of that cap when people under supervision have achieved the specific goals mapped out in their individualized case plans, a milestone often marked by a special ceremony to highlight the significance of the event. The supervision period should focus on positive outcomes rather than mere compliance, and it should motivate both

staff and people on probation to concentrate on important, mutually agreed-upon objectives.

From deficit-based to strengths-based. Currently, too many of the activities during community supervision are focused on merely extinguishing bad behavior, as if the absence of bad behavior equals good, productive behavior. But research and practical experience show that a change in behavior (e.g., obtaining employment, graduating from school, completing a program or community service, and/or switching to a more positive peer group and/or more prosocial activities) is more readily achieved when community corrections staff partner with those under supervision to bolster their strengths, including protective factors and positive influences that help reduce reoffending and improve life outcomes. People under supervision also need a substantial say in creating their own asset-based plans to increase buy-in to their plan and improve short- and long-term success.

From delayed/arbitrary to swift/certain.

Responses to supervision violations are too often unpredictable, inconsistent, and administered long after the behaviors occur; in short, they are arbitrary, which diminishes trust and effectiveness. There are too few protocols for responding to compliance or progress, and even when there are such protocols, they are too often ignored in practice.

Responses to both negative and positive behavior

should follow rational guidelines that are scaled to severity, transparent to people under supervision, and applied as quickly (and fairly) as possible following detection of the behavior. Rewards for positive behavior should be frequent and calibrated to the behavior. When responding to violations, sanctions should be swift and certain, but mild — no greater than are needed to modify the behavior. Returns to prison for lengthy periods, for example, should be eliminated for technical violations.

From offender-focused to victim-centered.

Currently, collection of restitution, performance of community service, victim-offender reconciliation, and other measures that hold people accountable and make victims and communities whole are too often a low priority. This can leave victims frustrated by their treatment at the hands of the system, and it can leave persons under supervision cynical about the need to repay their debt to society or their victims. Greater emphasis is warranted on acknowledging and repaying one's debt to individuals and communities. This includes not only the need for persons under supervision to repay the harm they have committed, but for community corrections agencies to become more responsive to the needs of victims. This should not be confused with assessing fines designed to financially support community corrections budgets, a practice that we find too often tithes the poor, warps the reintegrative role of community corrections, and results in failure under supervision and unnecessary incarceration.

Victimization and offending are often concentrated in communities and social networks. Research clearly establishes that people convicted of crimes are often themselves victims, but current practices ignore this important overlap. Thus, community corrections agencies should do more to recognize that many of those under supervision have themselves been victims of crime, often violent crime, and may need victim services and supports.

From individual-focused to family-inclusive.

Individuals under supervision are too often the sole subject of the intervention of services and supports, whereas the behavior of individuals under community supervision occurs in the context of, and is influenced by, family systems. By focusing overly on individual behavior at the expense of family and community dynamics and networks, community corrections workers often miss key opportunities to improve outcomes for both the individual under supervision and their family networks.

Family members should be viewed as critical partners in the process of social integration. They should be involved from the beginning in the development of case plans and the provision of services and supports. Being careful to adhere to important confidentiality protections, community case workers from multiple agencies serving family members (e.g., probation, parole, child welfare, mental health, entitlements) should coordinate with one another and family members so that there is family-member support for case plans and those plans do not mandate

conflicting goals or become so extensive that they are impossible to achieve.

From isolated to integrated. The “community” is often absent from “community corrections,” describing merely the location of the person under supervision, rather than the meaningful engagement of community resources by agencies. Regardless of improvements in community corrections agencies, they can never replace the informal supports and social controls provided by families, neighbors, and community organizations. Community corrections has the potential to engage communities and garner their trust. In doing so, community corrections can enhance its own legitimacy.

Changing individual behaviors and choices is an important goal, but a focus on individual behaviors cannot be divorced from underlying contexts within communities. Individual behavior change is not likely to occur if we ignore the social context that residents inhabit and fail to engage communities. We must recognize that justice involvement is fundamentally linked to underlying unequal distributions of poverty and power. High levels of criminal justice exposure occur in the same neighborhoods as inadequate housing, failing schools, food insecurity, lead poisoning, and other ills — often for generations. At the same time, communities have many indigenous resources, such as kinship networks, community safety and other neighborhood groups, and relationships with church and school institutions that can serve justice-oriented goals.

Community corrections agencies should thus empower community leaders to take an active role in supporting persons under community supervision and seek input from community members on how they do their jobs. Community corrections should recruit staff who value community participation in their work, preferably from communities highly impacted by the justice system, who are adept at accessing formal and informal community supports. Staff should be trained in skills needed to engage with community stakeholders. Agencies should locate themselves in neighborhood settings in a way that is respectful of community leaders and that heightens partnerships with housing, employment, health/mental health, faith-based, and law enforcement organizations, advocates, and other stakeholders.

From fortress to community-based. Most interactions between people under supervision and community corrections staff occur across a desk in a central office building. These locations and the nature of these interactions send the wrong message — that behavior is to be either “punished” or “cured” in a fortress-like environment, divorced from the atmosphere in which it took place.

Community corrections workers should spend their time in the neighborhoods where people under supervision live their lives. Whenever possible, staff should no longer have offices in centralized locations or at least spend minimal

time in those offices. Instead, staff should be located and/or spend most of their time in the community, conducting home and job site visits, organizing job and health fairs or community-improvement projects, and meeting with key community leaders and family members in a way that provides a more genuine sense of the lived experience of those under supervision and generates opportunities to strengthen supports and neighborhood ties. People under supervision, other community members, and community corrections staff should work in tandem to improve the neighborhoods in which crime occurs, bolstering informal social controls and supports, and giving those under supervision a voice and heightened stake in their communities.

From low-profile to high-profile. Even though the number of people under community supervision is more than double the number of those in prison and jail combined, and an estimated half of prison commitments annually are the result of violations of community supervision, community corrections flies below the radar of policymakers, advocates, the media, and the public, except when a case goes awry. Agency policies and practices are not transparent to those under supervision, victims, or the public. Little attention is paid by advocates and researchers to this important part of the criminal justice system.

Probation, parole, and pretrial supervision should become more visible and be viewed as a critical part of public safety and public health machinery. Policymakers should view

community corrections agencies as a key part of their public safety plans and should focus on using those agencies as ingredients in their efforts to combat crime, substance abuse, and mental illness, and to improve neighborhoods.

From caseload-driven funding to performance-based funding. Agency budgets and treatment/service-provider contracts are pegged loosely to the number of those under supervision or care, with little regard to performance. In many respects, this rewards those entities for keeping people in greater numbers and for longer time periods than necessary. Conversely, there is little or no reward for individual supervision staff or community organizations that produce exceptional or desired results. Too often, this is also true of people under supervision who spend the same time under supervision, whether they are high or mediocre performers.

State agencies and contracted providers should receive a portion of the savings they generate when they improve success rates and reduce returns to prison. Counties and local units of government should be fiscally incentivized for successfully and safely keeping individuals in the community and not overusing scarce prison and jail resources. Providers should work under performance-based contracts with fair and transparent outcome measures. Community corrections agencies should experiment with incentive structures for staff, using merit pay, bonuses, or other public or private compensation.

From “gut-based” to evidence-based. For too many community supervision professionals, important decisions about the human beings in their caseload are rendered based on gut instinct. This opens vital liberty-interest decisions to influence by individuals’ beliefs and prejudices, and fails to benefit from growing research into what works to improve outcomes for people under community supervision.

Supervision practices should, of course, be informed by experience, but they should also be driven by scientific evidence about what is effective at reducing reoffending and improving life outcomes. This would serve to reduce disparate decisions and arbitrary recommendations, improve uniformity and outcomes, and garner trust.

From low-tech to high-tech. The community corrections field needs to enter the 21st century, technologically. Staff too often rely on pen and paper or antiquated mainframe computer systems in doing their jobs, allowing tasks that could be automated to take time away from important job functions that could improve outcomes.

Instead, agencies should exploit the full range of integrated information systems and monitoring and incentive-based technologies to enhance effectiveness. This can range from gaming that provides electronic incentives and rewards to people on probation; to distance reporting systems for individuals who do not need to come in for office-based meetings; to electronically sharing positive work and outcomes by staff and

people on probation; to regularly notifying people under supervision of employment, education, housing, treatment, and volunteer opportunities; to electronic monitoring in lieu of confinement for serious violations.

Conclusion

America's community corrections systems do not live up to the core principles of providing well-being and safety, parsimony and justice, successful community integration, victim restoration, and respect for human dignity. Rather than serving as an alternative to, or release valve from, imprisonment, community corrections has become a contributing factor to incarceration's growth. To achieve the core principles outlined in this paper, major changes are needed to make our system smaller and more focused, less punitive, more humane, and more widely guided by best practices. It will be impossible to meaningfully reduce mass incarceration in America without solving the challenges of community corrections and fulfilling its initial purpose and promise.

Endnotes

1. This paper reflects the opinions of most members of the Executive Session Committee on Community Corrections.

Honorable Sharon Keller felt prohibited by the Canon of Judicial Ethics from voicing a consensual position one way or the other on this document.

2. There is increasing consensus in the community corrections field that watershed reforms are needed in probation and parole if they are to achieve the goals of community reintegration and serve as alternatives to incarceration. See, for example, Amy L. Solomon, Jesse Jannetta, Laura Winterfield, Brian Elderbroom, Jenny Osbourne, Peggy Burke, Richard P. Stroker, Edward E. Rhine, and William D. Burrell, *Putting Public Safety First: 13 Strategies for Successful Supervision and Reentry*, The Pew Charitable Trusts (2008); see also Wendy Still, Barbara Broderick, and Steven Raphael, *Building Trust and Legitimacy Within Community Corrections*, National Institute of Justice (2016). This consensus in the field motivated the Executive Session members to publish this consensus document.

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