

Probation and parole shouldn't be a long road to prison

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Change is coming to the criminal legal system as Utah and other states review how law enforcement operates within their borders. In addition to the thousands of people attending marches and rallies, a majority of Utahns agree that reform is needed. For example, a recent survey by the Libertas Institute found that more than half of Utah voters support stricter requirements for officers to wear body cameras, increased independence for civilian police review boards and mandatory suspensions for officers proven to use excessive force.

While reforming law enforcement is at the forefront of the discussion, another aspect of the criminal justice system often flies below the radar: probation and parole.

Probation is a form of community supervision where a person convicted of a crime is given a set of rules to follow rather than be sent to prison. Parole is another type of community supervision where a person who was in prison is released before the end of their sentence, also with a set of rules to follow. If someone on community supervision breaks any rule of their supervision term, they can be sent to prison.

For several years Utah's incarceration rate has been rising; only Idaho has been locking people up at a faster rate. And we now know one of the biggest drivers of that increase is imprisonment of people already on probation or parole. In fact, over three-fourths of people admitted to Utah prisons were on community supervision.

There are several reasons for this incredibly high number. First, there are simply many people on probation and parole. While Utah's prison population is around 6,000, the number of people on probation and parole is almost three times that at — over 17,000.

Another reason is that many people get sent back to prison for technical violations of probation and parole. Technical violations include things like missing an appointment with a probation officer or failing to make curfew. In Utah, about half of people sent back to prison while on probation or parole are locked up for a technical violation.

Probation and parole are meant to be second chances. While people under community supervision have made mistakes, they, their families and their communities are better off when they are given the opportunity to make positive changes. It is almost impossible for people on community supervision to hold down a job, keep secure housing or participate in treatment programs when they are constantly cycled in and out of prison for technical violations of their supervision, not for committing new crimes.

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This constant cycle of incarceration adds up to a steep human cost, but it also costs taxpayers. The sum of incarcerating all those people already on probation and parole in Utah comes out to around \$75 million per year.

Clearly, no one wins when those on community supervision are caught in the churn of reincarceration. Fortunately, many solutions to this problem exist.

In 2015, Utah enacted the Justice Reinvestment Initiative. This bill was aimed at criminal justice reform, including probation and parole. One feature of the law was earned compliance credits. This meant that for every month a supervised person was violation-free, their probation or parole term was reduced by one month. Unfortunately, the law only provided for these compliance credits through 2019 and needs to be renewed by lawmakers.

Other states that have grappled with probation and parole reform have had success with other approaches.

One solution is to limit the number of people placed on community supervision. In general, individuals deemed to be low risk for reoffending shouldn't be under supervision. In fact, research suggests placing a person on supervision may increase the chance of reincarceration. If supervision resources are focused on those at a higher risk for reoffending, probation and parole agents could focus their time and resources on those who need the most support.

Another change would be to prohibit prison sentences as a punishment for technical violations. Sending a person to prison for simply missing an appointment or failing to make curfew interrupts the hard work people on community supervision are doing to turn their lives around and costs the state a fortune each year.

Many possible solutions exist to the problems of the current probation and parole system. By helping people escape a cycle of arrests and incarceration, Utah has an opportunity to make good on the promise of probation and parole: a second chance.

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