



PLANK 6: Transform probation and parole.

Effective policy requires a massive curtailment of probation and parole. Proponents of probation argue it is designed as an alternative to incarceration, but much like parole, it is another form of carceral control that lands people back in jail and makes it almost impossible for them to build healthy, thriving lives. The reach of the criminal supervision system in this country is staggering: There are [an estimated 5.5 million people on probation or parole](#) at any given time in the United States. In other words, [one out of every 61 adults in this country is on probation or parole](#).

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Besides severely restricting liberty with onerous requirements and the ever-present threat of re-incarceration, probation and parole require debilitating fees levied on those most in need of a fresh start. People on parole are promised a “second chance,” yet they are often forced to miss work and risk losing their jobs so they can make probation or parole appointments. Worse yet, minor violations, like missing a probation appointment — or the financial inability to pay fines or fees — can land people in prison all over again.

The time has come to dramatically rein in this system of mass supervision and free people from the control of the carceral state. People returning from prison should have access to the non-punitive and community-based supports, affordable housing, mental health care, and employment they need to rebuild their lives and thrive.

State Policy Priorities

The primary purpose of any supervision should be to provide community-based supports and services. If probation and parole are to be retained, a number of steps should be taken to reduce the harm caused by these forms of supervision. These steps are outlined below.

End practices that punish people based on poverty or mental health

- Ensure release for people who have completed their sentence. Individuals cannot be imprisoned for additional time because they lack housing or other services. Prisons must facilitate the reentry process through inclusive programming and other supports.
- Ensure there are no additional requirements assigned based on the individual's mental health or substance use history.
- Eliminate fees for supervision, as described in **Plank 4: Decriminalize poverty.**
- End pay-only probation and parole and decouple sentence completion and payment of fees, fines, or restitution.
- As discussed in **Plank 2: Enact common sense pretrial justice**, eliminate the use of money bail for those awaiting a revocation proceeding based on a violation of probation or parole.

Reduce probation and parole sentences

- Restrict the length and modification process for probation, parole, and any other form of community supervision, including by strictly capping how long parole and probation sentences can be, ending lifetime supervision, and easing the process to reduce probation length as people progress through their sentences.
- Reward “good-time” credits to individuals on parole at the same rate they were being rewarded when paroled and allow those individuals to use those credits toward ending their parole.
- Categorically eliminate supervised probation for misdemeanor offenses.

Ensure accountability and humanity for parole recommendations

- Allow individuals full access to all documents the parole board uses to arrive at its decision.
- Allow prison supervisors to provide positive recommendations to individuals in the parole review process.

- Remove parole boards' unilateral discretion to make final decisions by developing a presumption of parole if an incarcerated individual meets certain eligibility requirements and ensuring that incarcerated individuals have a right to appeal parole decisions to a court of law.
- Prohibit the denial of parole due to an incarcerated person's lack of resources, including access to housing, and instead require the state to identify the resources that person needs.
- Dramatically reform parole (and parole boards) to ensure greater due process, transparency, and resources for parolees.
- Commit to parole for elderly people, including at a minimum all those individuals who are older than 55. Ensure that people accused of parole violations receive the same rigorous processes accorded to those who are initially arrested for a crime.
- Pass legislation to allow and openly encourage the Bureau of Prisons to let people serve the last 12 months of their sentences at home in order to preserve and strengthen relationships with their children.

Protect the fundamental rights of people on probation and parole

- Remove all bars to association with others on parole or probation.
- Ensure supervisory conditions imposed are severely limited, related to ensuring individuals' success in their communities, and involve as few restrictions as possible to meet specifically identified purposes related to their offenses.
- Bar drug testing as a condition of supervision, except in cases where the underlying offense is related to drug misuse and the person on supervision chooses to voluntarily participate in drug screens in order to aid their recovery. Ensure that revocation and re-incarceration is never permissible as a sanction for a positive drug test.
- Ensure that all other reporting requirements are flexible; that they accommodate individuals' family, employment, health, and other needs; and that they are clearly tied to furthering rehabilitation.
- Require that supervising officers have backgrounds and continued training in community-based nonprofit work, social work, and/or holistic healing, as well as training in trauma-informed care and best practices for working with individuals who have disabilities. (See **Plank 7: End inhumane conditions in jails and prisons in the United States.**) Further ensure that specific services and specialists can be provided for accessibility reasons when needed.

Minimize reincarceration

- Reform the probation and parole revocation processes by setting clearer and fairer guidelines for violations, developing graduated sanctions for violations, and severely reducing prison admissions for violations.
- Set clearer and fairer criteria for reincarceration due to a violation of probation or parole conditions. Categorically eliminate re-incarceration over technical violations of probation or parole conditions.
- Prohibit imprisonment for technical violations and dramatically expand medical/compassionate parole or release for ill incarcerated people — including by ensuring that doctors, not prison administrators, determine the prognosis for any individual considered for compassionate release.
- Ensure that people on probation or parole have the right to counsel at any revocation hearings, as described in **Plank 3: Ensure a right to effective counsel for all.**

End high-tech harm and commercialized injustice

- While working to implement **Plank 8: Stop the privatization of justice.** which would eliminate private probation and profit-making from supervision services, immediately recall all outstanding probation warrants issued by private providers.
- Restrict the use of algorithm-based “risk assessment” tools to make parole, probation, or other early release determinations, including which individuals will receive rehabilitation and reentry services and which individuals are eligible for parole, probation, and/or earning credits toward early release to a residential reentry center or home confinement.

Improve transparency

- Require tracking of data that can be used to identify racial disparities on the basis of race, ethnicity, religion, sex, sexual orientation, gender identity, and disability in the supervision system, including parole grant decisions, supervision lengths, revocations, and any conditions of supervision.

Federal Policy Priorities

- Adopt all probation and parole reforms in the State Policy Priorities.
- Repeal provisions of federal law that limit a court's discretion to impose probation.
- Eliminate drug testing as a condition of federal probation.
- Require a judicial "second look" process to systematically review long sentences.
- Repeal federal laws requiring mandatory terms of supervised release.
- Bar incarceration as a sanction for technical violations of supervised release.

