
Understanding How Supervision Conditions are Set for People on Parole and Probation

A REPORT IN A SERIES ON ALIGNING SUPERVISION CONDITIONS WITH RISK AND NEEDS



ROBINA INSTITUTE
OF CRIMINAL LAW AND CRIMINAL JUSTICE

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Executive Summary

Study Purpose

This report is one in a series of reports for the Aligning Supervision Conditions with Risk and Needs (ASCRN) project, the goal of which was to reduce probation and parole revocations and reorient community supervision toward promoting success by changing the way probation and parole conditions are imposed. The hypothesis for this project was that if probation and parole conditions targeted individuals' criminogenic needs and were based upon risk level, individuals on supervision would be more successful.¹ To learn about the condition-setting process for probation and parole, we worked with three sites: the Iowa Board of Parole, the Connecticut Board of Pardons and Paroles, and the Kansas Department of Corrections and Johnson County Court Services. This report sets forth our findings across all three sites.

Conclusions

1. Parole Boards and Judges Played a Less Significant Role in Setting Conditions Than Expected

As we started this project, our hypothesis was that parole boards and judges would be key actors in setting conditions. However, this proved not to be the case in the three sites included in this study. The parole boards relied heavily on standard conditions, so most parole conditions were passively rather than actively imposed. The judges relied on plea negotiations, which are initiated by prosecutors; therefore, prosecutors rather than judges played a key role in setting probation conditions.

2. Most Conditions are Set by Rote

In both Connecticut and Iowa, the parole boards relied heavily on standard conditions, which were imposed automatically. Moreover, standard conditions made up the majority of conditions imposed; therefore, most parole conditions were set by rote rather than being individualized to the person being granted parole. In the Kansas probation site, most interviewees described standard conditions as the conditions that are frequently imposed based on offense type or routine. Kansas has a unique law allowing any conditions to be adjusted by the judge, and there was evidence that this authority was sometimes used. But the overall driving factor in setting conditions appeared to be routine, indicating that conditions are not individualized to the person.

¹ See Christopher T. Lowenkamp, Edward J. Latessa, and A.M. Holsinger, *The Risk Principle in Action: What Have We Learned From 13,676 Offenders and 97 Correctional Programs?*, 52(1) *Crime & Delinquency* 77-93 (2006) (suggesting that supervision conditions should be aligned with a person's risk and needs).

3. Conditions Reassure Authorities When Making Decisions that Involve Risk

Interviewees across all three sites, in the contexts of parole and probation, saw supervision conditions as a way to mitigate the risk of reoffense and reassure themselves that they were making good decisions. Within the context of the parole release decision, parole board members felt pressure to make good release decisions. Conditions helped to bolster parole board members' confidence that they were making good release decisions by placing additional restrictions and limits on parolees' behavior. Within the context of plea negotiations, prosecutors were seeking to resolve the case, but in a way that imposed adequate punishment and accountability for the offense. In cases where probation seems riskier than incarceration, including conditions as part of the plea negotiation helps reassure prosecutors by placing limits or requirements on the person's behavior.

4. Parole Boards, Prosecutors, and Judges Lacked a Feedback Loop for Understanding the Effects of Their Decisions

Though everyone that participated in the interviews for this project had clear ideas about what they perceived conditions *should* do, most had little to no idea if the conditions they imposed or recommended actually accomplished those purposes. Instead, interviewees in every jurisdiction indicated that they lacked a feedback mechanism to understand whether parole or probation has positive or negative effects, or more specifically, whether the conditions they imposed had such effects. Because these individuals did not receive any feedback, there was nothing to challenge or inform their professional judgment about which conditions to impose in different situations. Thus, as noted in the second finding, conditions continue to be assigned by routine, with little attention being paid to whether they are effective.

Recommendations

1. Authorities that Set Supervision Conditions Should Review Existing Research on Supervision Conditions and Create Demand for Expanded Research

As noted above, the authorities in the three sites we studied had no idea whether parole or probation has positive or negative effects, or more specifically, whether the conditions they imposed had such effects. The fact is, there is very little research on the effectiveness of specific parole and probation conditions. Though there have been some efforts to catalogue the research that does exist,² efforts are only now beginning to make this information broadly available in the criminal justice field. To advance the effectiveness of parole and probation it is important that the authorities who set supervision conditions seek out and review existing research. Equally important is for more research to be done to guide decision makers so their practices can be more effective at promoting behavioral change to increase success and reduce recidivism. Parole boards, judges, and prosecutors can create demand for such research by insisting that their practices be evidence-based, seeking funding for research and evaluation, and partnering with researchers to test the effectiveness of their conditions.

² See Practice Guidelines for Community Supervision, Center for Advancing Correctional Excellence, <https://www.gmuace.org/appropriateness-statement-package/Appropriateness-Statement-Package.pdf> (gmuace.org).

2. Individualize Condition Setting

Probation and parole are periods of community supervision during which individuals are subject to supervision conditions, which are requirements they must complete or follow. As shown in this report, most conditions are set by routine rather than being individualized to the needs of the individual. Interviewees utilized many different types of information to assist them in condition setting, and there was little consistency in their approach. The standard conditions also largely drove how interviewees set conditions, and thus were broad in scope rather than targeting individuals' risks. However, conditions have the potential to be more effective if they are individualized to meet the needs of the individual. Conditions can serve as a mechanism for targeting a person's criminogenic needs (factors that lead to criminal offending that can be changed with intervention) and promoting behavioral change to reduce reoffending. One way to accomplish this is to utilize risk-and-needs assessment tools to identify a person's criminogenic needs, and to impose conditions that provide programming to target and address those needs.³ This method has greater potential to reduce an individual's risk of reoffending than imposing a long list of conditions to reassure decisionmakers that they are making the right decision because it is aimed at addressing the behavior that places a person at a higher risk to reoffend. However, it is critical to provide adequate training to assist judges and parole boards in understanding how to translate assessment results to aid in condition setting and to evaluate the approach.

3. Establish a Feedback Loop

Sentencing and parole release are decision points that may involve some risk. There is a risk that the person will reoffend. Authorities might be more confident in their decisions if they received regular feedback about outcomes, such as how the person did on supervision and what conditions helped them. Frequently, the authorities that set conditions only saw the failures—that is, those individuals who were returned for violations or reoffense. Regular information about the success of individuals on parole and probation, as well as more detail about the reasons other individuals failed parole and probation, could engender more confidence in their decision making, and potentially reduce their reliance on a multitude of rote supervision conditions.

³ See Kelly Lyn Mitchell, Julia Laskorunsky, Ebony Ruhland, and Tammy Dean, Robina Institute of Criminal Law and Criminal Justice, *Policy Brief: Aligning Supervision Conditions with the Risk-Needs-Responsivity Framework* (2023), https://robinainstitute.umn.edu/sites/robinainstitute.umn.edu/files/2023-10/aligning_supervision_conditions_with_the_rnr_framework.pdf.

Introduction

This report is one in a series of reports for the Aligning Supervision Conditions with Risk and Needs (ASCRN) project. The goal of the project was to reduce probation and parole revocations and reorient community supervision toward promoting success by changing the way probation and parole conditions are imposed. Conditions are requirements that a person on probation or parole must adhere to while serving a period of community supervision. For people on parole, this period of supervision occurs after the person has served time in prison and is released into the community. For people on probation, this period of supervision occurs in the community in lieu of incarceration. The hypothesis for this project was that if probation and parole conditions targeted individuals' criminogenic needs and were based upon risk level, individuals on supervision would be more successful.⁴ However, to move to this form of condition setting, we first needed to understand how conditions were being determined and what role, if any, risk and needs assessments played in the condition-setting process.

To learn about the condition-setting process for probation and parole, we worked with three sites: the Iowa Board of Parole, the Connecticut Board of Pardons and Paroles, and the Kansas Department of Corrections and Johnson County Court Services. In each site, we conducted a policy review of relevant statutes, administrative rules, and policies, and completed eighty-three interviews with a variety of stakeholders who we presumed would have a hand in recommending or imposing supervision conditions, including parole board members and staff, judges, prosecutors, defense attorneys, and probation and parole officers. Individual reports detailing the condition-setting process in each site are published on the [Robina Institute's website for this project](#). This report sets forth our findings across all three sites.

⁴ See Christopher T. Lowenkamp, Edward J. Latessa, and A.M. Holsinger, *The Risk Principle in Action: What Have We Learned From 13,676 Offenders and 97 Correctional Programs?*, 52(1) *Crime & Delinquency* 77-93 (2006) (suggesting that supervision conditions should be aligned with a person's risk and needs).

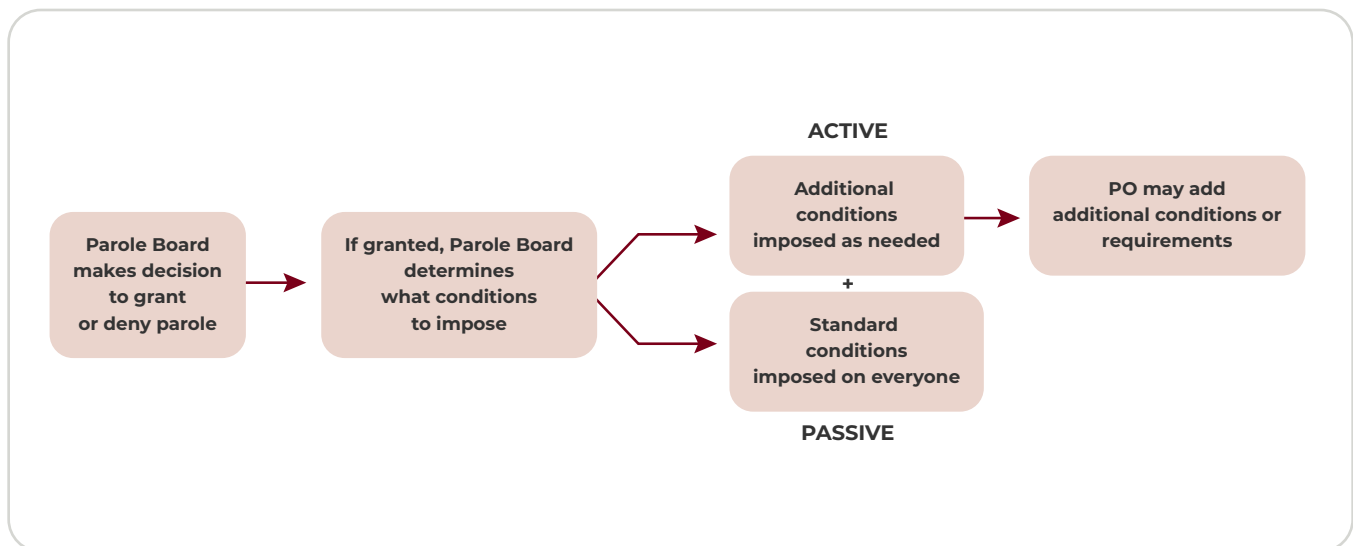
Parole Condition-Setting Process

When a person is sentenced to prison, the court sets the maximum sentence, but the parole board is charged with determining when the individual can be released from prison, and if the person is released, the conditions of parole.⁵ To learn about how parole conditions are determined, we worked with the Iowa Board of Parole and the Connecticut Board of Pardons and Paroles to examine their processes. As this section demonstrates, in the two parole sites, the parole boards heavily rely on standard conditions and impose few additional conditions.

Parole Condition-Setting in Action

Figure 1 is a composite sketch of the process for setting parole supervision conditions in the two parole sites. In both states, the parole board drives the parole condition-setting process. This process occurs simultaneously with the decision to release a person onto parole, and as a result, for many parole board members the considerations for deciding if a person should be released and if so, what conditions to impose, often blurred together.

Figure 1. Parole Condition-Setting Process



When making the release decision, both parole boards rely on an extensive set of information prepared for them by parole staff. In Connecticut, parole officers that work for the parole board and that are assigned to each of the facilities prepare the Decision Information Summary (DIS). A parole staff member explained the DIS as follows.

⁵ Conn. Gen. Stat. §§ 54-125 to -125a (2022); Iowa Code § 902.6 (2022).

The parole officer compiles that information based off of the interview with the offenders, running the rap sheet, the programming. We also make contact with the families...In addition, we try to find out if there's some type of employment that the offender will be going to once they are released. All that information is compiled into our...parole package...it's presented to the board and the board then reviews and comes up with the best solution for the offender. – Connecticut Parole Staff

In Iowa, corrections counselors are responsible for preparing the docket, which is a summary of information about the person being considered for parole including the person's criminal history, record of past releases, conduct and programming while in prison, and the correctional counselor's recommendation whether to release the person. The corrections counselors use a mix of standardized risk assessment information and professional judgment in making their recommendations, and while it is clear they routinely recommend whether a person should be released, it is less clear whether they also recommend specific parole conditions.

If the parole board does grant parole, its members must also determine what supervision conditions to impose. In both sites, there are two types of conditions that are imposed: standard and additional.⁶ The standard conditions apply to everyone. They are general requirements such as remaining law abiding, maintaining contact with one's supervision officer, and not leaving the state or county without permission. A member of the Connecticut parole board staff summarized standard conditions by saying,

Every inmate who is released is expected to follow those standard conditions. They are not specific to an offense history. They are not specific to an individual's needs or to their ability to follow through. They are conditions that allow an individual to transition to the community while still being under the supervision of the wider criminal justice system. – Connecticut Parole Staff

Parole Board members in both jurisdictions stated they have a minimal number of standard conditions—just eight in Iowa and six in Connecticut (see Appendix C, Iowa Standard Parole Conditions and Appendix B, Connecticut Standard Parole Conditions). But when these conditions are broken down into individual requirements, the eight standard conditions in Iowa actually include thirty-nine distinct requirements, and the six standard conditions in Connecticut include fourteen requirements.

Imposition of the standard conditions is a passive act because it happens automatically without a specific directive by the parole board. Because the parole boards have no active role in imposing standard conditions, there is an opportunity for the parole boards to lose sight of the requirements contained within them, and this is indeed what occurred in Iowa. For example, in the following quote, one Iowa Parole Board member opined that the parole board used to have more options for conditions.

We used to be able to say that the parolee will not drive. They won't get a driver's license. They won't drive. That they can't drink. That they can't go into a bar. We used to have a lot of options and a lot of those are gone now, and so it's a little bit more streamlined choice of conditions. – Iowa Parole Board Member

Yet, this interviewee failed to realize that all of the conditions mentioned were part of the then-current list of standard conditions (*compare with* Appendix C, Iowa Standard Parole Conditions).

Unlike the standard conditions, which are preset and cannot be modified, both parole boards have almost unfettered discretion to impose additional conditions. Imposition of additional conditions is an active act because they are imposed only if parole board members pronounce them at the time of release. Iowa parole board members perceived that it was rare not to impose additional conditions. As one Iowa parole board member put it, each parole board member has the "prerogative to interpret what [they] see as the main issues for each person and

⁶ Additional conditions may also be referred to as "special conditions" or "stipulations." In this report we use the term "additional" for the sake of simplicity.

then impose or request that certain conditions be placed upon them." Moreover, Iowa parole board members are generally amenable to their colleagues' suggestions. As one member said, "If someone feels strongly and wants some type of condition placed, if a release is going to be made, the members almost always agree." In contrast, Connecticut parole board members perceived that not everyone receives additional conditions. As one Connecticut parole board member put it, "there are times where...I don't see that there's any additional conditions necessary so they will just abide by the standard conditions." Another Connecticut member estimated that about 10% of individuals get no additional conditions.

Despite the fact that both boards have discretion to impose as many additional conditions as they deem necessary, it appears that both boards exercise restraint in imposing additional conditions. Data analysis in Iowa revealed that the parole board on average imposed just over two additional conditions per case,⁷ and interviewees in Connecticut estimated that the parole board imposes one to three additional conditions in each case. Iowa parole board members were motivated to limit the number of additional conditions imposed because they did not want to overload individuals on parole.

I would say sometimes there are discussions around members voting that we don't want to overload them to make their release difficult. Sometimes we'll see those cases where we give them sex offender treatment, substance abuse treatment, mental health treatment, and maybe even another base treatment. We all have to stop and say, "Can this person even have the time to comply with all of these restrictions?" We want to be able to help them, but are we overloading? I think we're trying to be careful not to do that and to make it realistic so that they have an opportunity to get out and have a successful release and not be overwhelmed. – Iowa Parole Board Member

However, it was clear from the interviews in Iowa that parole board members' responses were colored by their perspective. Since the parole board does not actively impose the standard conditions, they seemed to be less aware of them, so their concern about not overloading individuals with conditions was based solely on the number of *additional* conditions imposed, and they were often not thinking about whether the standard conditions might also cause overload. In Connecticut, there seemed to be more awareness of what was included in the standard conditions, so the restraint they exercised seemed to stem from an understanding that the standard conditions were "a pretty all-encompassing list." Thus, while both parole boards take steps to limit and individualize the additional parole conditions that they actively impose, because there are so few additional conditions in comparison to standard conditions, the net result is that the majority of conditions are imposed without any individualization.

In both states, parole officers can also add additional requirements in some form, though they do not always rise to the level of conditions. In Connecticut, parole officers stated they can add "stipulations," which are not formal conditions, but requirements imposed through the standard condition requiring individuals to participate in programming as determined by their parole officer. Examples of stipulations described by parole officers include putting a person on a GPS monitor or imposing graduated sanctions such as increased meeting frequency or house arrest. Stipulations also include requirements to help individuals reach their personal goals. For example, one Connecticut parole officer who was working with an individual who wanted to regain custody of their children stipulated they attend a parenting class. Connecticut parole officers acknowledged, however, that stipulations existed in a gray area. Individuals cannot necessarily be violated and revoked if they do not follow stipulations because they are not formal additional conditions. For example, one parole officer talked about how it can be challenging to submit a violation for a GPS monitoring stipulation.

⁷ Laskorunsky, J., Hanrath, L., and Mitchell, K. L. (2024) *Examining Alignment between Supervision Conditions and Risk and Need in Iowa Parole*. Robina Institute of Criminal Law and Criminal Justice. Minneapolis, Minnesota.

It's kind of a gray area because if they didn't sign off and initial on it [GPS monitoring] the board is not going to acknowledge it. I can violate them and write a report, and say he cut off his bracelet, and they can come back and say, "Well, we didn't have a specific stipulation that said that" so they might pop him back out. It's weird because we have discretion, but we only have discretion up to a point where they think it's appropriate discretion. – Connecticut Parole Officer

In Iowa, state law provides that special conditions can be added or deleted by the Parole Board, Department of Corrections, or judicial district departments of corrections,⁸ and this provision is colloquially understood to mean that parole officers can add or delete parole conditions. Iowa parole board members perceived that parole officers have broad discretion to add or remove conditions. But Iowa parole officers perceived that their authority was narrower. Parole officers felt they could freely add or delete "community-based conditions," which is a list of conditions that are included on the parole agreement (see Appendix C).

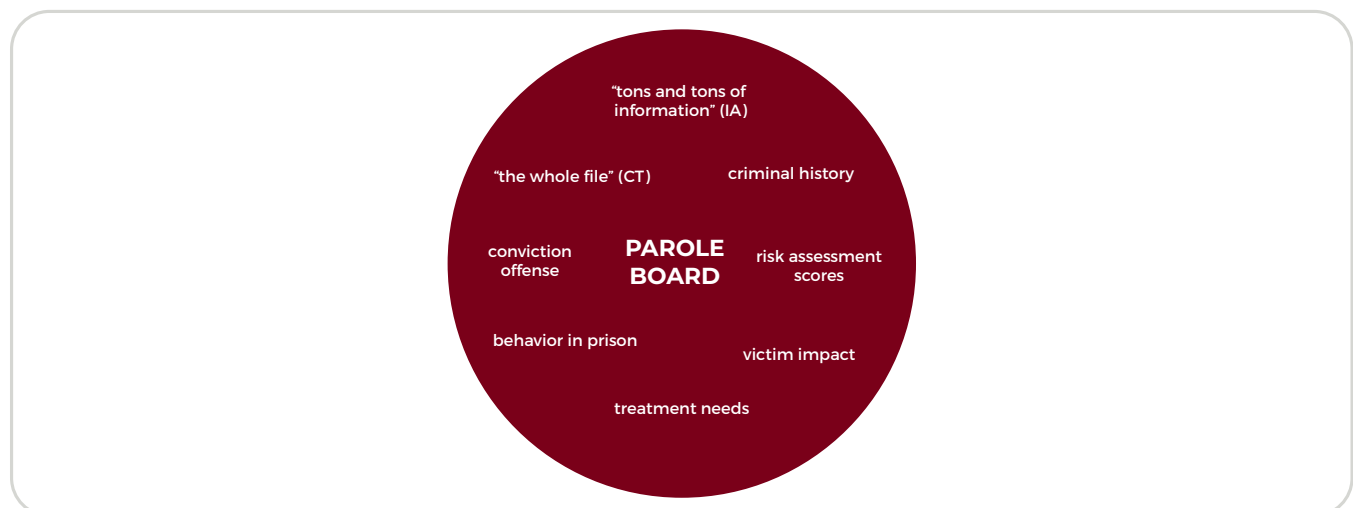
The standard conditions are implemented by the Board of Parole and then there is a handful of additional conditions that we have the discretion in Community Based Corrections to implement. One of them is the curfew....If we're getting reports that somebody is out violating all hours of the night, we, as Community Based Corrections, have the discretion to implement a curfew. Another example would be restrictions on location and where they can be. If we're receiving information that maybe they're contacting a victim or they are in a place that's not good for them, we have the authority and the ability to implement a condition to restrict them from going there. – Iowa Parole Officer

Most community-based conditions mirror existing standard or special conditions, so parole officers do not need to take action to impose them. However, Iowa parole officers talked frequently about adding a curfew condition, which is only on the list of community-based conditions (see Appendix C).

Important Information for Setting Parole Conditions

Figure 2 shows the information identified by the Iowa and Connecticut parole boards as being the most important for setting supervision conditions. There was little consensus among parole board members in either site as to which information was most important. Rather, Figure 2 captures the range of answers provided by parole board members in both states.

Figure 2. Most Important Information for Setting Parole Conditions



⁸ Iowa Admin. Code 201-45.2(2)(906) (2022).

When asked what information is most important in setting parole conditions, in Iowa, no two parole board members provided the same response. Instead, each member listed numerous factors that they consider, and this may be partly because the parole board has a vast amount of information available to it.

Tons and tons of information. Are you familiar at all with our ICON [Iowa Correctional Offender Network] system in which we go in and look at the history, their records, their offenses, their previous releases, what happened as a result of those releases, any recommendations, concerns, or information that comes from the victims? Just a plethora of information is looked at. – Iowa Parole Board Member

Though every parole board member in Iowa listed numerous factors that they consider to be important, by grouping these factors, we discerned a couple of themes in their responses. First, every respondent but one said the conviction offense is a key factor in their decision. As one Iowa parole board member said, “The facts of the crime and what actually took place are critically important to me when I’m making a decision.” Following closely behind the conviction offense, is information relating to the person’s time in prison. Most Iowa parole board members said they consider the person’s institutional behavior, any disciplinary reports from prison, and any prison programming the person participated in, as well as whether that programming was completed. Iowa parole board members also said the person’s criminal history is important when setting parole conditions. But no one offered a specific explanation as to how it helps them determine which conditions might be appropriate. Similarly, parole board members said they look at risk assessment scores, but did not explain how the scores relate to the parole conditions they impose. A few Iowa parole board members specifically noted that they look at the needs of the person being considered for release when deciding what conditions might be appropriate. These needs include the person’s mental health history or diagnosis, substance use history and diagnosis, any psychological evaluations, and whether the person had earned their high school diploma. Other factors parole board members consider varied widely, with some members reviewing prior experiences with probation or parole, victim input, and any recommendations from DOC treatment counselors.

Connecticut parole board members similarly described that they have access to a vast amount of information.

We have police reports. We have transcripts from the court. We have any probation records, a pre-sentence investigation that’s done during the court process. We have juvenile and youthful offender records, if there are any, and then we have their institutional records such as any disciplinary reports they’ve received, any mental health evaluations, substance abuse evaluations. We have the programs that they’ve participated in and evaluations from such... and what else do we have? Any previous parole records. We really do have... we gather a lot of evidence, so we do have a pretty good idea of their history. – Connecticut Parole Board Member

But unlike in Iowa, where each parole board member seemed to favor specific information, in Connecticut, parole board members are more likely to look at the information as a whole, focusing on a historical perspective of the individual. One Connecticut parole board member articulated it this way.

It’s really how they get to where they are. The offense by itself is really the product of that history that I tried to describe. It’s how did they get to where they are. Is it mental health? Is it toxic relationship? Is it substance abuse? That’s what I think are of paramount importance to me, is how they travel the road to where they are. – Connecticut Parole Board Member

Several Connecticut parole board members seemed to really want to dig in and understand what led to commission of the offense.

I would say I heavily rely on the nature of the offense or if the offender has a history of a certain behavior. Say, for example, he is brought back for a domestic dispute, but they caught him for selling drugs, and the whole reason why they caught him and caught him for selling the drugs was because he got into an argument with his girlfriend that turned physical...but that's how they found the drugs or the gun or whatever the case may be, so I pay attention to those things as well. – Connecticut Parole Board Member

Another talked about comparing the current snapshot of the individual to the one presented in the original pre-sentence investigation report so they could measure change and growth.

The reports that the parole officer prepares when they interview the offender prior to the discretionary parole hearing is very important because we're getting a snapshot of that individual up to that point in time that they've been serving their sentence and they know they're becoming parole-eligible. That's one picture in time. I also pay a lot of attention to the pre-sentence investigation when they have been done because that's a different snapshot of when the offender was going before the judge to be sentenced for the offences they committed. You may get a different level of acceptance of responsibility, a different level of disclosure of substance abuse history, and a mental health history. – Connecticut Parole Board Member

This attention to the person's history could be because Connecticut parole board members are seeking to aim the conditions at addressing the underlying factors that led to offending. For example, one parole board member talked about reviewing the presentence investigation report to determine if there are any indications that the person would benefit from anger management or domestic violation treatment in the community. But an alternative explanation is that setting parole conditions is closely tied to the release decision.

In both Iowa and Connecticut, the information parole board members thought was important for setting conditions overlaps substantially with the type of information the parole board would need to make the parole release decision. Thus, parole conditions might play into the release decision to the extent that they can provide an avenue for mitigating risk, by, for example, imposing a restriction on gun use or contact with the victim or imposing a treatment condition if the person's offending pattern seems to be driven by something that treatment could address. Thus, the decision about appropriate parole conditions appeared to be closely tied to enforcing or bolstering the risk consideration parole board members must undertake when determining release.⁹

Parole Condition-Setting in Context

Parole supervision conditions are imposed in the context of making the decision to release someone to parole. Risk to the community is a paramount consideration in the parole release decision; thus, as shown above, parole supervision conditions are often aimed at mitigating that risk. Table 1 provides a high-level overview of the additional considerations that come into play when parole board members set supervision conditions: their beliefs about the purpose of parole, their expectations of what will happen during supervision, their perceptions of what the community and victims expect, and the purpose of parole conditions. This overview shows the push and pull between desiring reintegration for the person being placed on parole and protection of public safety.

⁹ In Iowa, the parole board must determine whether “the person can be released without detriment to the community or to the person.” Iowa Code § 906.4 (2022). In Connecticut, the parole board must determine if “there is a reasonable probability that such inmate will live and remain at liberty without violating the law, and . . . [that] such release is not incompatible with the welfare of society.” Conn. Gen. Stat. § 54-125a(a) (2022).

Table 1. Parole Condition-Setting Considerations

	Purpose of Parole	Expectations of What Will Happen During Parole Supervision	Community/Victim Expectations (as perceived by Parole Board)	Purpose of Parole Conditions
Iowa Parole Board	Protect public safety	Compliance	Safety/protection (only release those who won't reoffend)	Protect public safety
	Reintegration	Reintegration		Provide tools or treatment
	Transformational change			Define parameters for behavior
Connecticut Parole Board	Reintegration	Compliance	Have people serve the full sentence pronounced in court (no parole)	Guidelines for behavior
	Provide support and services	Reintegration		Protect public safety
	Ensure suitability for release		Close supervision that prevents recidivism	Provide support and services

Parole board members in both states expressed a dichotomy in the purpose of parole. On the one hand, parole supervision is intended to help reintegrate an individual into society by providing a period of transition during which the person receives the support and services necessary to aid in that transition. But at the same time, the purpose of parole supervision is to protect public safety.

Our purpose is to try and ensure that an offender will transition back into the community in a safe fashion and in a fashion that equips them with the tools to succeed as they reintegrate into society. Additionally, we're also trying to protect the community from the offender reoffending while during that parole status. Those are our two-headed goals for parole. – Iowa Parole Board Member

In both Iowa and Connecticut, public safety refers to making sure the parole board has made good release decisions. In Iowa, one parole board member said the parole board's job is to "make good risks and safe risks," indicating there is pressure to get it right. Similarly, in Connecticut, public safety referred to a period of monitoring during which they can ensure they have released the right individuals.

I think the central purpose of parole is to basically give the inmate another opportunity to be reintegrated into society, but at the same time giving us an opportunity to observe them to see are they suitable? – Connecticut Parole Board Member

This dichotomy was also present in how parole board members described their expectations about what happens during the period of supervision. Parole board members in both states expect parole to be a period of compliance with the supervision structure imposed by the parole board. Parole board members in Iowa related this expectation back to their release decisions, stating they expect people on parole to "do what they said they would do" when granted parole. Similarly, Connecticut parole board members expect individuals to "obey all rules" or "follow certain conditions."

I honestly believe that the parolees should be held at a high standard so that they obey all the rules and regulations of parole because parole is a privilege. – Connecticut Parole Board Member

In contrast, members of both parole boards also expect parole to be a period of reintegration into the community bolstered by support and services.

They must certainly have support from our parole institutions, our districts. Hopefully not just as a system of policing them to make sure that they're doing the things that they're supposed to be doing: the drug tests, finding employment, paying of fines, and things like that. Hopefully, those things, of course, but also as a system to help them reintegrate, support in finding those jobs, support in getting the follow-up education they need, housing, and those kinds of things. – Iowa Parole Board Member

My expectations are that the offenders leave prison, and they have the necessary support such as housing, programming for things like substance abuse, domestic violence, mental, health etc., employment assistance, so the necessary support for them to go out there and succeed. We don't want them to come back to prison, so we want to offer them as much wraparound servicing as possible. – Connecticut Parole Board Member

In this sense, parole board members appear to want the individuals released to parole to succeed. But this perspective is likely also grounded in their desire for reassurance that they are making good release decisions.

Moreover, members from both parole boards had the perception that victims and the community expect strict compliance and monitoring for people on parole to provide protection from further victimization. Iowa parole board members internalize this perception as requiring them to release only people who are not at risk to reoffend whereas Connecticut parole board members relate this perception to the conditions they might impose.

Certainly, I would think victims would be most concerned with those that are being released that they are not going to reoffend and create more victims. – Iowa Parole Board Member

I think victims expect the offender to be supervised and afforded programming so that there are no future victims, to avoid future crimes by the offender. I also think that the victims hope that the offenders are under strict guidelines and, I believe, almost under some form of continued incarceration in the community. – Connecticut Parole Board Member

Parole board members in Iowa and Connecticut also perceived that some victims want people to serve their full sentence in prison and not be given parole. However, in Connecticut, parole board members suggested this view could be tempered by two things: whether victims felt heard and their level of knowledge. As one Connecticut parole board member commented, victims want their concerns to be taken into account in the parole release decision. In some cases, they could support parole release if they had more information about whether the person who committed the crime had made any progress while in prison.

I think that expectations have to do with the amount of information that they have. If a victim understands that the person was sentenced and that something has happened between the time that that person was incarcerated and now, when they are in front of the board, they have the ability to reflect on are they doing anything to rehabilitate themselves. – Connecticut Parole Board Member

The net result of the above considerations is that both parole boards saw multiple purposes for parole conditions. On the one hand, the purpose of parole conditions is to provide treatment or services to support reintegration. But on the other hand, the purpose of parole conditions is to provide guidelines for behavior to protect public safety.

When parole board members in Iowa articulated the purpose of parole conditions, their responses were always multifaceted. They expect parole conditions to simultaneously accomplish all of the above purposes.

The purpose of parole conditions is to ensure that the offender doesn't reoffend while on paper or on parole, and to protect victims and protect the community, and also to put kind of guard rails on the offender to ensure that they're going to succeed. – Iowa Parole Board Member

I think some of them are to protect public safety. I think some of them are to give the parolee tools that, at least in the opinion of the parole board, may assist them in what we hope for. What we hope for is a successful release. From the standpoint of the crime and what their identified needs be – if it's a substance use eval treatment, sex offender treatment, after care, whatever – putting those conditions on so they will hopefully be successful during that release. Likewise, if they're not going to do it, they're obviously not ready and that can be dealt with as well. – Iowa Parole Board Member

Similarly, Connecticut parole board members saw multiple purposes for parole conditions, though individual members focused on different things. Some parole board members saw conditions as providing guidelines for behavior.

I think the purpose is because one thing that we try to ensure is that when the inmate is released back into the community that they will have some success. Sometimes you have to put these stipulations on them in order to kind of direct and guide their actions and behaviors. – Connecticut Parole Board Member

At the same time, the purpose of parole conditions is to provide monitoring and oversight or access to resources to prevent reoffending. As one Connecticut Parole Board member said, “Most of the time when we are adding conditions it's to prevent the offender from coming back to prison.” This can mean that the parole board imposes conditions to prevent certain behaviors, such as with a no contact order. Or it can refer to providing resources.

I believe it's to allow the offenders to have access to certain resources. Based on the conditions that we set, they're supposed to do certain things. I think our setting of conditions sets them up to get access to those resources a lot easier. – Connecticut Parole Board Member

That parole board members in both states saw conditions as serving multiple purposes underscores the uncertainty parole board members experience in making release decisions. If conditions truly could fulfill the twin goals of reintegration and protection of public safety, then parole board members could have more confidence that the individuals they release would be less likely to reoffend, and the public would be safer.

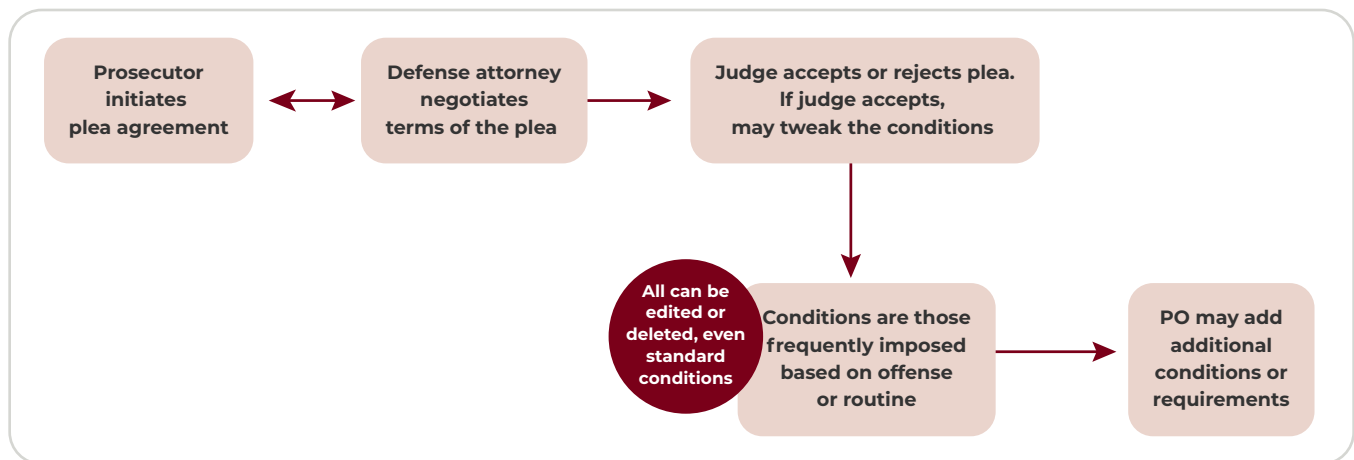
Probation Condition-Setting Process

As Figure 3 shows, the process for setting probation conditions in Johnson County, Kansas, is very different from the process for setting parole conditions in Connecticut and Iowa. Probation is a non-prison sentence that can be imposed upon conviction for a criminal offense. As such, unlike parole conditions, which are part of the supervision that occurs *after* a person has served a prison sentence, probation conditions are part of the sentence. Because the sentence in any criminal case is imposed by the judge, we hypothesized that the judge would play a primary role in determining the conditions. However, we found that in Johnson County, Kansas, the conditions are generated much earlier in the process, at the plea negotiation stage.

Probation Condition-Setting in Action

Figure 3 is a composite sketch of the process for setting probation supervision conditions in Johnson County, Kansas. The prosecutor initiates the process by drafting a plea agreement. That agreement will include the conditions the prosecutor thinks are necessary for the case based on the offense and information gleaned from police reports and talking to the victim.

Figure 3. Probation Condition-Setting Process



One prosecutor perceived that the plea agreement is so pivotal in the condition-setting process that prosecutors essentially dictate the terms of probation through the plea agreement.

To answer your question, now that I think about it, the state kind of dictates exactly what the terms are essentially. I mean, it really starts with our plea negotiations or plea deal. Ultimately, whatever is in that plea deal, it starts with us. I'll send a plea offer saying, "These are the things ... If you take this plea, this is what I want you to have to do on probation to address whatever the issues are." There may be some back and forth. We renegotiate. The defense maybe asks for extra things or wants to take things out. But ultimately, whatever is entered into the plea agreement has been negotiated and first offered by me and then has the seal of approval, both the defense attorney and myself. Really, I mean, it's the attorneys that kind of dictate exactly what the terms are. – Kansas Prosecutor

This same prosecutor also discussed the minimal role of judges with plea agreements and conditions.

The judge can, I guess, "break" the plea deal, which could mean a lot of things. They could just not follow it at all. Or they could say, "I agree." Or they could say, "I'm going to take this out, but I'm going to add this in." Or, "I'm going to keep it, but I'm going to add additional things on top of it." We are essentially setting the tone for the case. Most judges don't really... they may add something to it, but generally they will follow whatever we have agreed to. That kind of, I guess, in essence means the state is kind of dictating what the terms are. – Kansas Prosecutor

While not every prosecutor held this extreme view of the importance of the plea agreement in establishing conditions, the majority said they routinely provide input on conditions through the plea agreement.

Defense attorneys then negotiate with prosecutors over the final content of the plea agreement. In line with their role, they commonly adopt a defensive posture with regard to probation conditions. In some cases, defense attorneys seek to temper the conditions offered by prosecutors to prevent future incarceration. In other cases, defense attorneys seek to establish conditions that can help their clients.

The first role is to try and get what the client would like. The second role for me is to talk my clients into thinking they want what they get, which is to assist them in making better choices and asking for help, and getting help that will be right in front of them because a lot of them can't. They don't come from a family structure, or any kind of a structure, to understand how to get help, or know how to do it, or stick to it. My role is to try and reduce the amount of things they get, the impact. – Kansas Defense Attorney

Ultimately, the defense attorney's role in condition-setting is led by the wishes of the defendant. Thus, defense attorneys may not advocate for every condition they think may be appropriate because the goal is to secure a plea agreement that aligns with what the defendant believes is important.

I may think it's really important that somebody get a not guilty in a case. But they are not really concerned about that. What they are concerned about is the restitution amount. We judge a win differently. In a client-centered approach, we figure out what's important to the client and that factors into how we negotiate. If there is an issue as far as a particular condition of probation, then that can factor in. – Kansas Defense Attorney

Once the prosecutor and defense attorney reach a plea agreement, they will present it to the judge during the sentencing proceeding, and the judge will accept or reject the plea. If the judge accepts the plea, the conditions that are included in the agreement are generally accepted along with it. Judges confirmed the strong role of the plea agreement in setting probation conditions. Though judges sometimes add to or slightly amend conditions, the general consensus by judges and other actors in the system was that the plea agreement process is the stronger determinant in setting conditions. In fact, two prosecutors went so far as to say that judges should follow the plea agreement because the plea agreement process involves sifting through a large amount of information and

uncovering the factors that caused the person to commit the crime, and the conditions in the plea agreement are therefore designed to address those factors.

Plea agreements are made by the parties who have access to all the discovery and all the police reports that the judges don't have access to...the judges don't have to follow the plea agreement, but they should because we have made these recommendations jointly together. Both parties agree this is what should be the condition of the probation, so the judge should do that. – Kansas Prosecutor

As in Connecticut and Iowa, probation conditions can be classified as standard or additional. Kansas law mandates six standard conditions,¹⁰ and also sets forth fourteen conditions that the court *may* impose (see Appendix A). The conditions listed in the statute are not an exhaustive list, however. The court has the authority to impose *any* condition,¹¹ limited only by the requirement that the conditions must “bear a reasonable relationship to the rehabilitative goals of probation, the protection of the public, and the nature of the offense.”¹²

One feature that is unique to Kansas is that state law explicitly allows the judge to modify—or essentially edit—any condition, including the standard conditions,¹³ and this creates a unique dynamic. Judges reported that they routinely use this authority to modify conditions. As one judge said, “I can cross all of them out if I wanted to and just say don't violate the law.” Two judges specifically described that they routinely amend the no alcohol condition to permit a person to work in or go to restaurants where alcohol is served. In this sense, the authority to modify conditions allows the court to individualize conditions rather than mechanically imposing the same conditions, whether they make sense for the individual or not.

At the same time, however, both prosecutors and judges talked about “standard” conditions as being conditions that are routinely imposed. For example, one judge said it was “standard” to order that a person convicted of driving under the influence attend a Mothers Against Drunk Driving (MADD) victim panel and complete a substance abuse evaluation, indicating that “standard” conditions are based on the offense. A prosecutor described the standard conditions as “things to maybe not do...Just saying like, ‘Don't drink.’ ‘Don't do drugs.’ ‘Don't drive unless you've got a valid license.’” But interestingly, none of the conditions noted by the prosecutor are among the six conditions required by statute,¹⁴ indicating that another understanding of “standard” conditions is those that are routinely and frequently imposed. Thus, “standard” conditions have become synonymous with conditions that are frequently imposed based on offense type or routine.

As in Connecticut and Iowa, supervision officers in Johnson County, Kansas, have some authority to add conditions. The probation order includes a standard probation condition requiring people on probation to comply with the probation case plan and any further written conditions by the probation officer.¹⁵ This broad condition gives probation officers the authority they need to require people on their caseloads to complete additional assessments, comply with treatment recommendations, and complete other requirements as they direct.

¹⁰ Kan. Stat. Ann. § 21-6607(c)(1)-(6) (2022).

¹¹ Kan. Stat. Ann. § 21-6607(b) (2022).

¹² *State v. Evans*, 796 P.2d 178, 179 (Kan. Ct. App. 1990).

¹³ Kan. Stat. Ann. § 21-6607(a) (2022).

¹⁴ See Kan. Stat. Ann. § 21-6607(c) (2022).

¹⁵ The probation order states, “Defendant is referred to the following agency and level of supervision, and shall comply with the LSI-R Case Plan (Supplemental Probation Contract), all rules and regulation of the assigned programs, and further written conditions the Probation Officer (PO) may require:” (followed by check boxes for each agency and level of supervision).

I would say that we can't take away from the order, but we can add to it all day long. We can put it in a curfew if we want. We can put people on house arrest. We can do two- or three-day jail sanctions. We can add those conditions or those sanctions if we need, just like that example of the mental health eval. If somebody comes in and they are clearly in some sort of mental health crisis or they clearly can't focus, maybe we will get them in for like a mental health eval. – Kansas Probation Officer

The additional requirements imposed by the probation officer can serve as the basis for a probation violation.

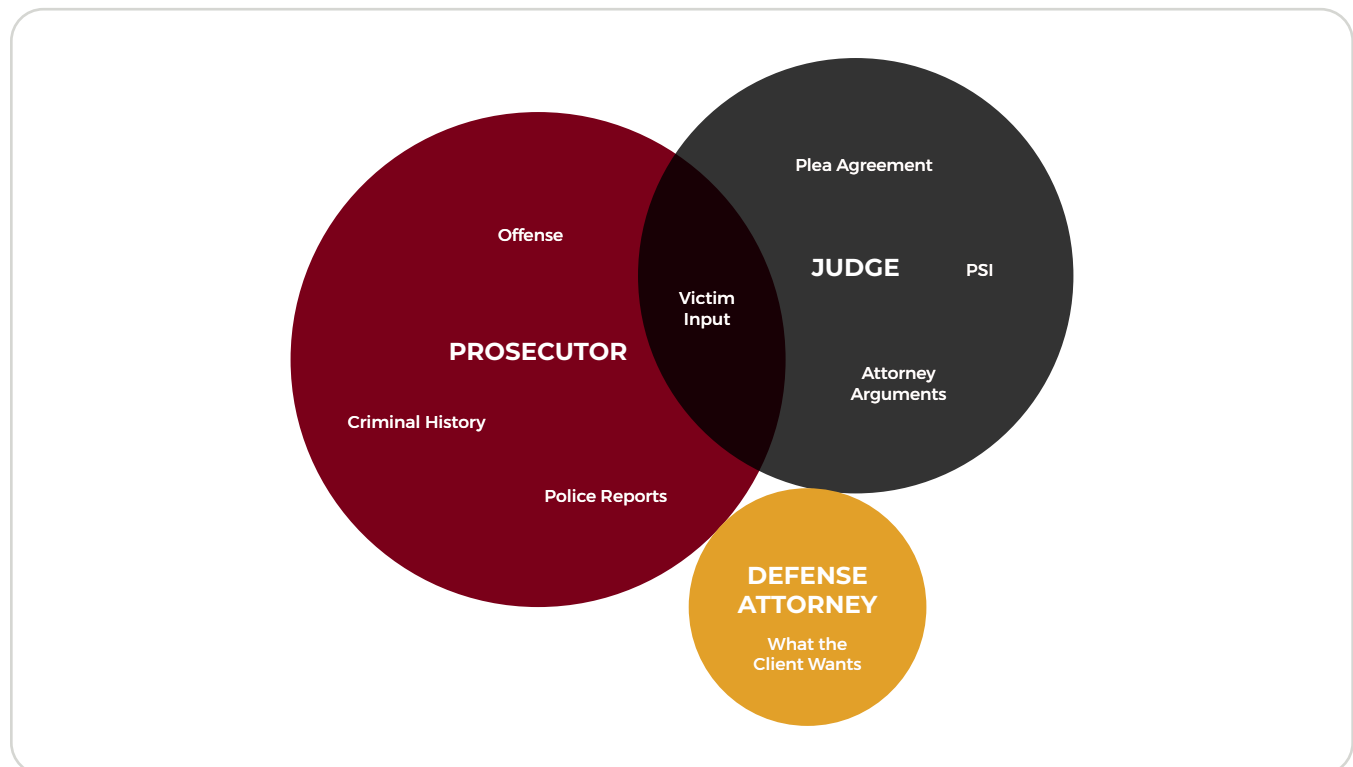
I can include those things. If someone has failed to... if I have directed someone to obtain a RADAC evaluation, or a drug and alcohol evaluation, or whatever, and they say they are not doing that, they are testing positive, and I have directed them on the phone to go do a UA tomorrow and they don't go do it, yes, I can include that in my report to the court to violate them. – Kansas Probation Officer

The probation officer's authority is limited, however. Probation officers have to go back to the court to change the level of supervision (i.e., reduce it from intensive to standard supervision) or to extend the person's probation term.

Important Information for Setting Probation Conditions

Figure 4 shows the information that interviewees in Johnson County, Kansas, thought was most important for setting probation conditions. In the Iowa and Connecticut parole sites, parole board members are the primary decision makers. But in the Kansas probation site, because probation conditions are the product of the plea negotiation, there are three distinct actors who influence the final set of probation conditions: prosecutors, defense attorneys, and judges. Each actor appears to take different consideration into account.

Figure 4. Most Important Information for Setting Probation Conditions



Prosecutors, who initiate the plea negotiation process, indicated that they typically focus on the crime itself, information about the offense as described in police reports, the person's criminal history, and input from the victim when deciding which probation conditions to recommend to the court or include in the plea agreement. These considerations seem to be aimed both at understanding the person's risk to public safety, in which case more restrictive conditions might be in order, and the underlying factors leading to the crime, in which case conditions to address those factors might be in order.

If it's a high public safety issue, then we need to take action. I also think we need to look at the individual themselves and what they're going through and what they have experienced. Is this an ongoing situation? Or is this a one-time thing that they got caught up in or whatever that is? But I think we really need to take into consideration their substance abuse history, their mental health history, and what it is that we need to implement to assist this individual in going through the criminal justice system. – Kansas Prosecutor

Defense attorneys, who are in the position of responding to the plea offer, were clear that their role is to represent their client's interests, so the information most important to them is what the client wants. A few defense attorneys, however, indicated that they try discerning what the underlying issue is with the defendant so they can hopefully address it.

Judges said they are informed by numerous factors, including the plea agreement, the arguments made by the prosecutor and defense, victim input, the presentence investigation (PSI) (which is generally only present in felony cases), the person's criminal record, and the offense for which the person was convicted. The PSI was described as an extensive document covering much of the information judges highlighted as important. One judge acknowledged, however, that in most cases, the plea agreement will already contain the conditions typically ordered in similar cases. Another noted that because judges are not as knowledgeable about the case, they look to the attorneys to emphasize the information that is most important and that often drives their consideration when establishing the conditions of probation.

Probation Condition-Setting in Context

Probation supervision conditions are imposed in the context of plea negotiations for criminal charges. The main purpose of plea negotiations is efficiency: quickly resolving cases in a system with finite resources. As this section will show, conditions are a part of that resolution because they are perceived to mitigate the risk of recidivism by placing limits or requirements on the person's behavior.

Table 2 provides a high-level overview of the additional considerations that come into play when probation supervision conditions are determined: beliefs about the purpose of probation, expectations of what will happen during probation supervision, perceptions of what the community and victims expect, and the purpose of probation conditions.

Table 2. Probation Condition-Setting Considerations

	Purpose of Probation	Expectations of What Will Happen on Probation	Community/Victim Expectations (as perceived by system actors)	Purpose of Probation Conditions
Prosecutors	Reduce recidivism	Carry through with the terms of the plea agreement	Surveillance and monitoring	Clearly state what probationer must do
	Promote rehabilitation	Failure	Pay restitution and make the victim whole	Correct behavior Promote rehabilitation
Judges	Reduce recidivism	Follow the plan outlined in the order	Adhere to requirements	Provide structure
	Promote rehabilitation		Correct behavior	
Defense Attorneys	Make sure they are doing treatment or programming	Help their clients and give them a chance to succeed		Assist person to become more functional in the community
	Reform the person			

Both prosecutors and judges spoke about there being two purposes of probation: to reduce recidivism and promote rehabilitation. Several prosecutors talked about probation as being a period during which a person could be offered programming to help correct harmful behavior, and at least one prosecutor saw probation as a format for requiring people to engage in treatment. Similarly, a judge described probation as an opportunity to “improve their mechanisms to deal with their life in some other way than what led them to be going through criminal court.” Thus, reducing recidivism and promoting rehabilitation were closely linked, with the same conditions being offered to address both purposes.

Generally speaking, the people who get put on probation, there is some sort of a probationary need. They are needed to be supervised in order to get some sort of type of care. Like they need to have drug or alcohol treatment, mental health treatment, or both. They have some sort of a need for treatment and wishing and hoping that they will get treatment doesn't work, so they need to be supervised. They need to have some sort of a carrot and stick effect in order to make them get treatment. You hope that they actually get the treatment that they need in order to keep them from reoffending. It's to reduce recidivism ultimately.
– Kansas Prosecutor

Defense attorneys also focused on rehabilitation, describing probation as a means of supervising the person to make sure they are doing the treatment or programming they've been ordered to do, or to reform the person so they can live a law-abiding life. However, at least one defense attorney acknowledged that probation is not a panacea.

There has to be some risk involved with this analysis and acceptance of some amount of risk. I think that the purpose, from my perspective of probation, is not to make somebody perfect, but to make somebody better. – Kansas Defense Attorney

The terms of the plea agreement set the tone for what criminal justice actors expect to happen during probation supervision, which is to follow through with those agreed-upon terms. For the most part, prosecutors said that they want people on probation to succeed. But they view success as meaning that people would carry through with the terms of their plea agreement, that they would not use drugs and attend treatment, or that they would

take advantage of the programs offered and prove that they can move away from the criminal justice system. Similarly, judges said they expect people on probation to follow the plan outlined by their sentencing order.

Really, it's the basics of no new law violations and work your program that we've set out here, whatever that is. If it's a substance abuse evaluation and treatment, if it's do community service, or if it's stay clean. I think that's probably it. – Kansas Judge

Thus, most prosecutors and judges perceived that probation conditions prescribe behavior that, if followed, would result in reduced recidivism and rehabilitation.

Defense attorneys had a less positive view of what might happen on probation. They hoped that probation would help their clients and give them a chance to succeed, but most seemed to expect that their clients would not be successful because of larger concerns or lack of trust with probation. In fact, one defense attorney advised their clients to keep a spiral notebook to record every communication with the probation officer so there would be a record for that person's defense if they were ever violated.

Interviewees from each of the three groups—judges, prosecutors, and defense attorneys—perceived that the community and victims have strict expectations that individuals on probation would be given requirements to adhere to and that the probation department would provide surveillance and monitoring of those requirements. Moreover, across all interviews with these individuals, as there had been with the parole interviews, there was a perception that the community and victims do not have a good understanding of what happens on probation.

I mean, I'm not sure what people honestly think about it or really even know about it. I just feel like most people don't pay really much attention to the criminal justice system until it hits their lives...they have this high expectation that probation officers are not overworked and that they can actually pay attention to every offender, which isn't true...[Then if somebody] re-offends while on probation and they become a victim of somebody who was on probation while they are reoffending, then it's an outrage. – Kansas Prosecutor

The net result of these perceptions is that interviewees saw the purpose of probation conditions as being a road-map or an outline of expectations for behavior during the period of probation. If these expectations were followed, the person on probation would be able to correct their behavior and become a “better” person. This change would in turn keep the public safe. This comes through clearly in the following quote by a judge, who saw probation conditions as providing structure and a path for what a person would need to do in order to be successful as well as a means of accountability.

To give them some structure. To say, “Here are the rules that you have to go by,” and not just to get it done, but in a very altruistic and maybe a very naive way of, “Here is a way to get you on a path back to being employed, not committing crimes, dealing with your substance problems, your mental health problems, whatever that is,” and should be more holistic. But that's far from what most are I know. Like I said, it's kind of pollyannaish in a way. – Kansas Judge

Prosecutors also sought to establish a structure for the person's behavior with probation conditions. This not only made it clear to the person on probation what the expectations were for their behavior, but also provided the hook for violations and revocations if the person was unable to conform their behavior to those expectations. Ultimately, the goal was to promote public safety. And to prosecutors, probation conditions were one means of mitigating risk by placing parameters (strict ones, if necessary) on the person's behavior.

I try not to set people up to fail on purpose, but there are cases where I don't...There are cases where I don't care if that happens to be honest. Where you give them a really [strict] probation to set them up and if they fail, then, "Oops, I guess they failed." Then they end up... but the real purposes of those conditions are to keep the victim safe and to give community safety. Those are really big reasons to have those conditions on probation. – Kansas Prosecutor

Defense attorneys described the purpose of probation conditions as a means of assisting a person to become more successful or functional in the community and to address potential issues such as substance abuse. But one defense attorney was bothered by the demand for perfection in following probation conditions, stating that the goal should be to make someone better, even if they haven't met all of their goals.

Personally, I think that kind of setting those goals, trying to get them to that particular point, and then measuring it by that one goal is problematic. I think the goal of probation should be to make somebody better. If they are getting better, even if they haven't met all of the goals, I don't think that's necessarily a failure. In fact, I think that could be really good for society. I mean, man, if you and I got better over the next year, but I didn't meet somebody's goal, I'm not sure that's a bad thing. If everybody in the world did that, we would have a better world and probation officers would be trying to revoke all of us because we didn't meet our goals. – Defense Attorney

The fact that probation conditions are developed through the plea agreement process creates a dynamic in which conditions are integral to resolving the case. Prosecutors seek to resolve the case in a way that imposes adequate punishment and accountability for the offense. Conditions are a part of that resolution because they are perceived to mitigate the risk of reoffense by placing limits or requirements on the person's behavior. Defense attorneys seek to curtail the impact of the prosecutor's influence by limiting the number and type of conditions imposed. The point at which the prosecutor and defense agree brings the case to resolution. Judicial reliance on the plea agreement underscores the focus on resolving the case. To judges, the probation conditions are part of the deal that has been worked out to resolve the case. Thus, judges may tweak the terms, but generally accept them.

Measuring Success on Parole and Probation

When asked how they measured success for parole and probation, interviewees across all three sites overwhelmingly said they look to recidivism. However, across all three sites, recidivism was primarily measured anecdotally. Connecticut parole board members expressed that they only learn how an individual did when the individual is re-incarcerated. Iowa parole board members noted that they learn about recidivism in two ways: data indicating recidivism rates for people on parole; and first-hand experience as they see people for whom they have previously granted parole cycle back through prison.

The easy answer is I don't see them again, but I don't know every name that I've ever voted on. I mean, there are names that stick in your mind because you've seen them numerous times.

– Iowa Parole Board Member

In contrast, though judges, prosecutors, and defense attorneys in Kansas had a similar experience in learning about recidivism based on the person cycling through again with a probation violation, they recognized that they were ill-equipped to judge whether probation is successful because they primarily only see the failures.¹⁶

We are a slanted view because we think... day to day, week by week here, and you're seeing people, not that everybody is a repeat, but it just feels like this is just a turnstile. Just different people coming in, they all kind of go through, and how many other times it takes them to get out. But like we never see the success unless they are just not here. Now, probation officers get to see that. They can see when they are successful. – Kansas Judge

The Kansas viewpoint indicates that the sites are lacking a robust feedback loop to inform decision makers about the effectiveness of their decisions. This proved to be the case in the interviews across all three sites. Connecticut parole board members said they do not receive aggregate reports on how individuals are doing—whether they are successful or not.

We have not received any real substantive feedback in terms of whether or not what we're doing is effective. We don't know who's coming back and when because, again, we don't see everyone.

– Connecticut Parole Board Member

In Iowa, parole board members do not handle parole violations,¹⁷ so parole board members do not have firsthand knowledge about the types and frequency of parole violations. Though they receive some reporting on the number of violations, the reporting does not indicate the reason for the violation.¹⁸ Thus, parole board members are lacking even anecdotal feedback about the effectiveness of their decisions.

¹⁶ The exceptions are the cases where probation recommends early discharge, or people who return to court seeking an expungement.

¹⁷ Parole violations in Iowa are handled by an administrative law judges.

¹⁸ See e.g., Iowa Board of Parole, *Annual Report Fiscal Year 2022*, at 12 (2022), <https://bop.iowa.gov/media/2/download?inline> (reporting on revocation statistics but not the reasons for revocation).

In Kansas, just as judges, prosecutors, and defense attorneys have little feedback on the success or failure of people sentenced to probation, they also lack specific feedback about whether the probation conditions they recommend or impose relate to success or failure.

But that's a thing, that as prosecutors, we only deal with the constant problems. The people who come in, have contact with the justice system, and never have contact again, you never see it...I don't know what is successful or not, or what is working, because I don't deal with them on a day-to-day basis. I know it's successful only because I think our recidivism rate is relatively low. It's working. I just don't know what it is. I don't know if it's the specific conditions or not, or just the people. – Kansas Prosecutor

I don't see what succeeds most of the time...I see stuff that comes back and so I can... but if every single one of my possession cases is "substance abuse evaluation and comply," then they are all like that. I don't know what distinguishes the ones that succeed or the ones that don't...I kind of fall into what the courts do and just chalk it up to this person is bad, therefore they didn't succeed. – Kansas Defense Attorney

Conclusions

This report sets forth our findings about how parole and probation conditions are determined by decision makers from three sites: the Iowa Board of Parole, the Connecticut Board of Pardons and Paroles, and the Kansas Department of Corrections and Johnson County Court Services. Though we intended this study to focus on the extent to which risk and needs principles were incorporated into the process, it soon became apparent that the findings of greater interest were more general in nature.

1. Parole Boards and Judges Played a Less Significant Role in Setting Conditions Than Expected

As we started this project, our hypothesis was that parole boards and judges would be key actors in setting conditions. However, this proved not to be the case in the three sites included in this study. The parole boards relied heavily on standard conditions, so most parole conditions were passively rather than actively imposed. The judges relied on plea negotiations, which are initiated by prosecutors; therefore, prosecutors rather than judges played a key role in setting probation conditions.

2. Most Conditions are Set by Rote

In both Connecticut and Iowa, the parole boards relied heavily on standard conditions, which were imposed automatically. Moreover, standard conditions made up the majority of conditions imposed; therefore, most parole conditions were set by rote rather than being individualized to the person being granted parole. In the Kansas probation site, most interviewees described standard conditions as the conditions that are frequently imposed based on offense type or routine. Kansas has a unique law allowing any conditions to be adjusted by the judge, and there was evidence that this authority was sometimes used. But the overall driving factor in setting conditions appeared to be routine, indicating that conditions are not individualized to the person.

3. Conditions Reassure Authorities When Making Decisions that Involve Risk

Interviewees across all three sites, in the contexts of parole and probation, saw supervision conditions as a way to mitigate the risk of reoffense and reassure themselves that they were making good decisions. Within the context of the parole release decision, parole board members felt pressure to make good release decisions. Conditions helped to bolster parole board members' confidence that they were making good release decisions by placing additional restrictions and limits on parolees' behavior. Within the context of plea negotiations, prosecutors were seeking to resolve the case, but in a way that imposed adequate punishment and accountability for the offense. In cases where probation seems riskier than incarceration, including conditions as part of the plea negotiation helps reassure prosecutors by placing limits or requirements on the person's behavior.

Parole conditions were often seen as imposing "guardrails" or expectations for behavior. Likewise, probation conditions were seen as providing "structure" for what a person would need to do in order to be successful as well as a means of accountability. The thinking was that if these expectations were followed, the person would be able to change their behavior and become a law-abiding citizen. This change would in turn keep the public safe. But the

inherent fallacy is that just telling a person how to act or how not to act is not an effective means of changing their behavior.¹⁹ The following quote from a Connecticut parole board member demonstrates this.

I see the conditions as guidelines to helping the ex-offender to reintegrate back in the community. In a lot of cases, they do need some assistance to sort of remind them. I can give you an example. If someone had a felony where a gun was involved, they know they are not supposed to have gun on them, they are not supposed to sell drugs, they know all these things, but there are times when they may need some guidance from the parole officer. They even meet with them once a week, every other week, depending on what the level of their parole supervision is. – Connecticut Parole Board Member

The parole board member has an expectation that telling a person not to carry a gun will change that behavior, especially when the message not to carry a gun is reinforced by the parole officer. But the condition not to carry a gun does not address the root cause of the behavior (i.e., why the individual was carrying a gun in the first place), so it may not, on its own, change that person's behavior in the future. Instead, a condition such as this can offer solace to parole board members that they are mitigating the risk of their release decisions by prohibiting risky behavior, or, at the very least, that there is a basis for returning the individual to prison should they engage in risky behavior. As one Iowa parole officer described it, this is the “whack-a-mole” approach to condition setting.

Sometimes it's like at the arcade. You got the whack-a-mole game...you put your quarter in and then you got like nine or twelve holes, and you get this big mallet. You just wait for that little mole to stick his head up through one of those holes and then the goal of the game is you whack it, right? When it pops up, you whack it, and then you wait for the next one. Sometimes, honestly, the parole terms and conditions can be treated like that. I think that there's a real disservice because then we become very mechanized and dehumanized in our engagement. On the other side, though, I get the behavior control model of discipline, but the truth of the matter is that if telling people not to do something was effective, we would never have a reincarceration. Right? The whole idea that you base a rehabilitative model on telling people not to do something and you react when they do, I think, is just a losing strategy. – Parole Officer

Thus, supervision conditions reassured parole board members, prosecutors, and judges that they were mitigating risk. Parole board members felt pressure to make good release decisions, and a lengthy set of standard conditions gave them confidence that they were mitigating the risk inherent in each release. Similarly, conditions gave prosecutors confidence that they were mitigating the risk of allowing a person to remain in the community on probation. However, as the next finding demonstrates, there was no clear evidence that this was the case.

4. Parole Boards, Prosecutors, and Judges Lacked a Feedback Loop for Understanding the Effects of Their Decisions

Though everyone that participated in the interviews for this project had clear ideas about what they perceived conditions *should* do, most had little to no idea if the conditions they imposed or recommended actually accomplished those purposes. Instead, interviewees in every jurisdiction indicated that they lacked a feedback mechanism to understand whether parole or probation has positive or negative effects, or more specifically, whether the conditions they imposed had such effects. Because these individuals did not receive any feedback, there was nothing to challenge or inform their professional judgment about which conditions to impose in different situations. Thus, as noted in the second finding, conditions continue to be assigned by routine, with little attention being paid to whether they are effective.

¹⁹ See Wodahl, E. J., Garland, B., Culhane, S. E., & McCarty, W. P., *Utilizing Behavioral Interventions to Improve Supervision Outcomes in Community-Based Corrections*, 38(4) *Crim. J. and Behavior* 386-405 (2011) (finding that that a high proportion of rewards to sanctions (at about a 4:1 ratio) was associated with the highest rate of supervision completion).

Recommendations

Based on the findings above, we make the following recommendations.

1. Authorities that Set Supervision Conditions Should Review Existing Research on Supervision Conditions and Create Demand for Expanded Research

As noted above, the authorities in the three sites we studied had no idea whether parole or probation has positive or negative effects, or more specifically, whether the conditions they imposed had such effects. The fact is, there is very little research on the effectiveness of specific parole and probation conditions. Though there have been some efforts to catalogue the research that does exist,²⁰ efforts are only now beginning to make this information broadly available in the criminal justice field. To advance the effectiveness of parole and probation it is important that the authorities who set supervision conditions seek out and review existing research. Equally important is for more research to be done to guide decision makers so their practices can be more effective at promoting behavioral change to increase success and reduce recidivism. Parole boards, judges, and prosecutors can create demand for such research by insisting that their practices be evidence-based, seeking funding for research and evaluation, and partnering with researchers to test the effectiveness of their conditions.

2. Individualize Condition Setting

Probation and parole are periods of community supervision during which individuals are subject to supervision conditions, which are requirements they must complete or follow. As shown in this report, most conditions are set by routine rather than being individualized to the needs of the individual. Interviewees utilized many different types of information to assist them in condition setting, and there was little consistency in their approach. The standard conditions also largely drove how interviewees set conditions, and thus were broad in scope rather than targeting individuals' risks. However, conditions have the potential to be more effective if they are individualized to meet the needs of the individual. Conditions can serve as a mechanism for targeting a person's criminogenic needs (factors that lead to criminal offending that can be changed with intervention) and promoting behavioral change to reduce reoffending. One way to accomplish this is to utilize risk-and-needs assessment tools to identify a person's criminogenic needs, and to impose conditions that provide programming to target and address those needs.²¹ This method has greater potential to reduce an individual's risk of reoffending than imposing a long list of conditions to reassure decisionmakers that they are making the right decision because it is aimed at addressing the behavior that places a person at a higher risk to reoffend. However, it is critical to provide adequate training to assist judges and parole boards in understanding how to translate assessment results to aid in condition setting and to evaluate the approach.

20 See Practice Guidelines for Community Supervision, Center for Advancing Correctional Excellence, <https://www.gmuace.org/appropriateness-statement-package/Appropriateness-Statement-Package.pdf> (gmuace.org).

21 See Kelly Lyn Mitchell, Julia Laskorunsky, Ebony Ruhland, and Tammy Dean, Robina Institute of Criminal Law and Criminal Justice, *Policy Brief: Aligning Supervision Conditions with the Risk-Needs-Responsivity Framework* (2023), https://robinainstitute.umn.edu/sites/robinainstitute.umn.edu/files/2023-10/aligning_supervision_conditions_with_the_rnr_framework.pdf.

3. Establish a Feedback Loop

Sentencing and parole release are decision points that may involve some risk. There is a risk that the person will reoffend. Authorities might be more confident in their decisions if they received regular feedback about outcomes, such as how the person did on supervision and what conditions helped them. Frequently, the authorities that set conditions only saw the failures—that is, those individuals who were returned for violations or reoffense. Regular information about the success of individuals on parole and probation, as well as more detail about the reasons individuals fail parole and probation, could engender more confidence in their decision making, and potentially reduce their reliance on a multitude of rote supervision conditions.

Appendix A

Kansas Standard Probation Conditions

Excerpt from Kan. Stat. Ann. § 21-6607 (2022).

21-6607. Conditions of probation or suspended sentence; correctional supervision fee; correctional supervision fund; searches; drug testing; written reports

(a) Except as required by subsection (c), nothing in this section shall be construed to limit the authority of the court to impose or modify any general or specific conditions of probation, suspension of sentence or assignment to a community correctional services program. The court services officer or community correctional services officer may recommend, and the court may order, the imposition of any conditions of probation, suspension of sentence or assignment to a community correctional services program. For crimes committed on or after July 1, 1993, in presumptive nonprison cases, the court services officer or community correctional services officer may recommend, and the court may order, the imposition of any conditions of probation or assignment to a community correctional services program. The court may at any time order the modification of such conditions, after notice to the court services officer or community correctional services officer and an opportunity for such officer to be heard thereon. The court shall cause a copy of any such order to be delivered to the court services officer and the probationer or to the community correctional services officer and the community corrections participant, as the case may be. The provisions of [K.S.A. 75-5291](#), and amendments thereto, shall be applicable to any assignment to a community correctional services program pursuant to this section.

(b) The court may impose any conditions of probation, suspension of sentence or assignment to a community correctional services program that the court deems proper, including, but not limited to, requiring that the defendant:

- (1) Avoid such injurious or vicious habits, as directed by the court, court services officer or community correctional services officer;
- (2) avoid such persons or places of disreputable or harmful character, as directed by the court, court services officer or community correctional services officer;
- (3) report to the court services officer or community correctional services officer as directed;
- (4) permit the court services officer or community correctional services officer to visit the defendant at home or elsewhere;
- (5) work faithfully at suitable employment insofar as possible;
- (6) remain within the state unless the court grants permission to leave;
- (7) pay a fine or costs, applicable to the offense, in one or several sums and in the manner as directed by the court;
- (8) support the defendant's dependents;
- (9) reside in a residential facility located in the community and participate in educational, counseling, work and other correctional or rehabilitative programs;

(10) perform community or public service work for local governmental agencies, private corporations organized not for profit, or charitable or social service organizations performing services for the community;

(11) perform services under a system of day fines whereby the defendant is required to satisfy fines, costs or reparation or restitution obligations by performing services for a period of days, determined by the court on the basis of ability to pay, standard of living, support obligations and other factors;

(12) participate in a house arrest program pursuant to [K.S.A. 21-6609](#), and amendments thereto;

(13) order the defendant to pay the administrative fee authorized by [K.S.A. 22-4529](#), and amendments thereto, unless waived by the court; or

(14) in felony cases, except for violations of [K.S.A. 8-1567](#), and amendments thereto, be confined in a county jail not to exceed 60 days, which need not be served consecutively.

(c) In addition to any other conditions of probation, suspension of sentence or assignment to a community correctional services program, the court shall order the defendant to comply with each of the following conditions:

(1) The defendant shall obey all laws of the United States, the state of Kansas and any other jurisdiction to the laws of which the defendant may be subject;

(2) make reparation or restitution to the aggrieved party for the damage or loss caused by the defendant's crime in accordance with [K.S.A. 21-6604\(b\)](#), and amendments thereto;

(3)(A) pay a correctional supervision fee of \$60 if the person was convicted of a misdemeanor or a fee of \$120 if the person was convicted of a felony. In any case the amount of the correctional supervision fee specified by this paragraph may be reduced or waived by the judge if the person is unable to pay that amount;

(B) the correctional supervision fee imposed by this paragraph shall be charged and collected by the district court. The clerk of the district court shall remit all revenues received under this paragraph from correctional supervision fees to the state treasurer in accordance with the provisions of [K.S.A. 75-4215](#), and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund, a sum equal to 41.67% of such remittance, and to the correctional supervision fund, a sum equal to 58.33% of such remittance;

(C) this paragraph shall apply to persons placed on felony or misdemeanor probation or released on misdemeanor parole to reside in Kansas and supervised by Kansas court services officers under the interstate compact for offender supervision; and

(D) this paragraph shall not apply to persons placed on probation or released on parole to reside in Kansas under the uniform act for out-of-state parolee supervision;

(4) reimburse the state general fund for all or a part of the expenditures by the state board of indigents' defense services to provide counsel and other defense services to the defendant. In determining the amount and method of payment of such sum, the court shall take account of the financial resources of the defendant and the nature of the burden that payment of such sum will impose. A defendant who has been required to pay such sum and who is not willfully in default in the payment thereof may at any time petition the court which sentenced the defendant to waive payment of such sum or of any unpaid portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or the defendant's immediate family, the court may waive payment of all or part of the amount due or modify the method of payment. The amount of attorney fees to be included in the court order for reimbursement shall be the amount claimed by appointed counsel on the payment voucher for indigents'

defense services or the amount prescribed by the board of indigents' defense services reimbursement tables as provided in K.S.A. 22-4522, and amendments thereto, whichever is less;

(5) be subject to searches of the defendant's person, effects, vehicle, residence and property by a court services officer, a community correctional services officer and any other law enforcement officer based on reasonable suspicion of the defendant violating conditions of probation or criminal activity; and

(6) be subject to random, but reasonable, tests for drug and alcohol consumption as ordered by a court services officer or community correctional services officer.

Appendix B

Connecticut Standard Parole Conditions

STANDARD CONDITIONS

1. **RELEASE DIRECTIONS.** Upon release, I will report to my assigned Parole Officer as directed and follow the Parole Officer's instructions. I will be assigned to one of several levels of community supervision and agree to participate in programs as determined by my Parole Officer. I will live in a residence approved by my Parole Officer and will seek, obtain and maintain employment throughout my parole term, or perform community service.
2. **OBEY ALL LAWS.** I will obey all laws and, to the best of my ability, fulfill all of my legal obligations, including payment of all applicable child support and alimony orders. I will notify my Parole Officer within 48 hours of my arrest for any offense. I will not use, or have in my possession or control, any illegal drug, narcotic or drug paraphernalia; firearms, ammunition or any other weapon.
3. **TRAVEL.** I will not leave the State of Connecticut without the prior written permission of my Parole Officer. I agree to abide by my signed conditions waiver of extradition as set out in my parole application.
4. **GANG AFFILIATION.** I will not associate or affiliate with any street gang, criminal organization or with any individual members thereof.
5. **SEARCH.** I will submit to a search of my person, possessions, vehicle, residence, business or other area under my control at any time, announced or unannounced, with or without cause, by parole or its agent to verify my compliance with the conditions of my parole.
6. **STATUTORY RELEASE CRITERIA.** My release on parole is based upon the premise that there is a reasonable probability that I will live and remain at liberty without violating the law and that my release is not incompatible with the welfare of society. In the event that I engage in conduct in the future which renders this premise no longer valid, then my parole will be revoked or modified accordingly.
7. **ADDITIONAL CONDITIONS.** I must also abide by the following individual conditions:

CURRENT ADDITIONAL CONDITIONS LIST IN CASE NOTES

Alcoholic Beverage Consumption
Behavioral Management Program
Mental Health Evaluation
Mental Health Treatment
Halfway House Placement
Ins Detainer
Medical Parole
MOA
Operation Of A Motor Vehicle
Other Additional Condition(s)
Paroled To Another State Or Jurisdiction
Paroled To Your Detainer
Payment Of Your Fine
Problem Sexual Behavior
Residential Program
Residential Program Inpatient
Strict No Drive
Contact Co Defendant
Contingent Completion Program

Contact With Victims
Contingent Participation Program
Electronic Monitoring
First Sign
General Contact
GPS

Alcoholic Beverage Consumption

THROUGHOUT YOUR PERIOD ON PAROLE, YOU ARE PROHIBITED FROM THE CONSUMPTION OF ALCOHOLIC BEVERAGES. YOU WILL BE REQUIRED TO SUBMIT TO RANDOM TOXICOLOGY SCREENING TO MONITOR COMPLIANCE.

Behavioral Management Program

YOU WILL PARTICIPATE IN A BEHAVIORAL MANAGEMENT PROGRAM FOR _____. YOU MUST FOLLOW THE INSTRUCTIONS OF PROGRAM STAFF AS TO YOUR COURSE OF TREATMENT AND MAY NOT MAKE ANY CHANGES WITHOUT THE EXPRESS PERMISSION OF THE PROGRAM STAFF OR YOUR PAROLE OFFICER.

Contact Co Defendant

THROUGHOUT YOUR PERIOD ON PAROLE, YOU ARE TO HAVE NO CONTACT WITH _____, THE CODEFENDANT(S) OF YOUR OFFENSE.

Contact With Victims

THROUGHOUT YOUR PERIOD OF PAROLE, YOU ARE TO HAVE NO CONTACT WITH _____, THE VICTIM(S) OF YOUR OFFENSE.

Contingent Completion Program

YOUR PAROLE IS CONTINGENT UPON YOUR SUCCESSFUL COMPLETION OF THE _____ PROGRAM.

Contingent Participation Program

YOUR PAROLE IS CONTINGENT UPON YOUR CONTINUED SUCCESSFUL PARTICIPATION IN THE _____ PROGRAM.

Electronic Monitoring

YOU WILL PARTICIPATE IN ELECTRONIC MONITORING.

First Sign

YOU SHALL BE SUBJECT TO A HIGHER LEVEL OF SUPERVISION OR OTHER APPROPRIATE INTERVENTION, UP TO AND INCLUDING INCARCERATION, AT THE FIRST SIGN OF ALCOHOL USE, ILLEGAL DRUG USE, OR CONTACT WITH _____ (VICTIM, CO-DEFENDANT, OTHER SPECIFIC PERSON).

General Contact

THROUGHOUT YOUR PERIOD ON PAROLE, YOU ARE TO HAVE NO CONTACT WITH _____.

GPS

YOU WILL PARTICIPATE IN THE G. P. S. (GLOBAL POSITIONING SATELLITE) PROGRAM, THE LENGTH OF TIME TO BE DETERMINED BY YOUR PAROLE OFFICER.

Halfway House Placement

IN THE EVENT I AM PLACED IN A HALFWAY HOUSE, I AGREE TO GO DIRECTLY TO AND RESIDE IN THE FACILITY DESIGNATED BY THE PAROLE AND COMMUNITY SERVICES DIVISION UNTIL RELEASED BY THE PAROLE AND COMMUNITY SERVICES DIVISION. I WILL ABIDE BY THE WRITTEN RULES OF THE FACILITY. I WILL NOT LEAVE THE PHYSICAL CONFINES OF THE FACILITY OR THE PROPERTY THEREOF, EXCEPT FOR TRAVELING TO AND FROM WORK, OR AS AUTHORIZED BY FACILITY OR PAROLE AND COMMUNITY SERVICES DIVISION RULES. DURING MY STAY, I WILL PAY FEES TO THE FACILITY AS REQUIRED. I WILL NOT OPERATE ANY MOTOR VEHICLE THAT I HAVE USE OF WITHOUT PERMISSION FROM THE FACILITY OR THE PAROLE AND COMMUNITY SERVICES DIVISION. I UNDERSTAND THAT I AM NOT ALLOWED TO CONSUME OR POSSESS ALCOHOL IN THE FACILITY. THIS CONDITION EXPIRES SIX MONTHS AFTER PLACEMENT IN A HALFWAY HOUSE.

Ins Detainer

YOU ARE PAROLED TO YOUR IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE) DETAINER. IF SUBSEQUENT TO BEING RELEASED TO ICE YOU DO NOT FULLY COOPERATE WITH ALL EFFORTS TO EFFECTUATE YOUR DEPORTATION YOU WILL BE RETURNED TO THE CUSTODY OF THE STATE TO FINISH YOUR SENTENCE. IF YOU ARE DEPORTED FROM THE UNITED STATES YOU ARE NOT TO RETURN. IN THE EVENT THAT THIS DETAINER IS NOT EFFECTED OR IF YOU ARE RELEASED FROM ICE AUTHORITIES PRIOR TO THE EXPIRATION OF YOUR CONNECTICUT TERM, THEN YOU MAY BE RELEASED TO A FULL PAROLE PROGRAM IN THE STATE OF CONNECTICUT.

Medical Parole

YOU HAVE BEEN GRANTED A MEDICAL PAROLE IN ACCORDANCE WITH SECTION 54-131A - 54-131G INCLUSIVE. YOU SHALL NOT BE RELEASED TO MEDICAL PAROLE UNTIL AN ACCEPTABLE PLAN IS DEVELOPED BY YOUR ASSIGNED PAROLE OFFICER AND THE MEDICAL SERVICES DIVISION OF THE DEPARTMENT OF CORRECTION. YOU MAY BE REQUIRED TO UNDERGO PERIODIC DIAGNOSIS TO ENSURE THAT YOUR MEDICAL CONDITION REMAINS CONSISTENT WITH THE MEDICAL PAROLE CRITERIA. IF, AFTER SUCH DIAGNOSIS, YOU NO LONGER MEET THE CRITERIA FOR MEDICAL PAROLE, YOU MAY BE RETURNED TO CUSTODY OF THE DEPARTMENT OF CORRECTION.

Mental Health Evaluation

YOU WILL PARTICIPATE IN A MENTAL HEALTH EVALUATION AND TREATMENT AS DEEMED NECESSARY.

Mental Health Treatment

YOU WILL PARTICIPATE IN A MENTAL HEALTH TREATMENT PROGRAM FOR _____, INCLUDING MONITORING FOR MEDICATION COMPLIANCE OR WITH DMHAS SUPPORT.

MOA

YOUR PAROLE IS CONTINGENT UPON THE GRANTING OF TRANSITIONAL SUPERVISION PER MEMORANDUM OF AGREEMENT NUMBER 2007GC-87.

Operation Of A Motor Vehicle

YOU ARE PROHIBITED FROM THE OPERATION OF A MOTOR VEHICLE WITHOUT THE EXPRESS PERMISSION OF YOUR PAROLE OFFICER.

Other Additional Condition(s)

OTHER ADDITIONAL CONDITION SET BY THE BOARD. PUT DESCRIPTION OF OTHER ADDITIONAL CONDITIONS HERE.

Paroled To Another State Or Jurisdiction

YOU ARE PAROLED TO A PAROLE PROGRAM IN THE STATE OF _____, UNDER THE TERMS OF THE INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION. IF NOT ACCEPTED FOR SUPERVISION BY _____ AUTHORITIES, THEN YOU MAY BE RELEASED TO A FULL PAROLE PROGRAM IN THE STATE OF CONNECTICUT.

Paroled To Your Detainer

YOU ARE PAROLED TO YOUR _____ DETAINER (____-YEAR CONCURRENT/CONSECUTIVE SENTENCE, VOP WARRANT). IN THE EVENT THAT THIS DETAINER IS NOT EFFECTED OR YOU ARE RELEASED FROM THIS DETAINER PRIOR TO THE EXPIRATION OF YOUR CONNECTICUT SENTENCE, THEN YOU WILL BE RELEASED TO A FULL PAROLE PROGRAM IN THE STATE OF CONNECTICUT.

Payment Of Your Fine

YOUR PAROLE IS CONTINGENT UPON YOUR PAYMENT OF A \$_____ FINE.

Problem Sexual Behavior

YOU WILL PARTICIPATE IN A BEHAVIORAL MANAGEMENT PROGRAM FOR PROBLEM SEXUAL BEHAVIOR. YOU MUST FOLLOW THE INSTRUCTIONS OF PROGRAM STAFF AS TO YOUR COURSE OF TREATMENT AND MAY NOT MAKE ANY CHANGES WITHOUT THE EXPRESS PERMISSION OF THE PROGRAM STAFF OR YOUR PAROLE OFFICER. YOU MUST ABIDE BY ANY CASE SPECIFIC CONDITIONS IMPOSED BY VIRTUE OF YOUR SUPERVISION UNDER THE DEPARTMENT OF CORRECTION PAROLE & COMMUNITY SERVICES SPECIAL MANAGEMENT UNIT.

Residential Program

YOU ARE REQUIRED TO SUCCESSFULLY PARTICIPATE IN A RESIDENTIAL WORK RELEASE PROGRAM. YOU MUST FOLLOW THE INSTRUCTIONS OF THE PROGRAM STAFF AS TO YOUR COURSE OF TREATMENT AND MAY NOT MAKE ANY CHANGES WITHOUT THE EXPRESS PERMISSION OF THE PROGRAM STAFF AND YOUR PAROLE OFFICER.

Residential Program Inpatient

YOU ARE REQUIRED TO SUCCESSFULLY PARTICIPATE IN A RESIDENTIAL PROGRAM FOR THE PURPOSE OF INPATIENT TREATMENT. YOU MUST FOLLOW THE INSTRUCTIONS OF THE PROGRAM STAFF AS TO YOUR COURSE OF TREATMENT AND MAY NOT MAKE ANY CHANGES WITHOUT THE EXPRESS PERMISSION OF THE PROGRAM STAFF AND YOUR PAROLE OFFICER.

Other State:

Detainer Information:

Other Condition Information:

(Separate each other condition with a semicolon or New Line) *

Appendix C

Iowa Standard Parole Conditions

The Iowa parole conditions start on the next page. These are the conditions that were in effect when the Robina Institute first began this project. Some of the conditions have since been changed. The conditions are divided into eight topic areas. The standard conditions are in the main numbered paragraphs (i.e., 40) and special conditions are located beneath those numbered paragraphs (i.e., 40a). The eight areas that are considered standard conditions encompass thirty-five individual requirements. There are also sixteen special conditions available to the Parole Board. The community-based conditions located at the end of the document are presumably imposed by parole officers, though there appears to be no legal authority explaining how they relate to the standard and special conditions. Any apparent errors or inconsistencies appeared in the original.

BOARD OF PAROLE CONDITIONS:**10: Restrictions on Movement**

I shall report immediately to the supervising officer in the Judicial District designated to my parole instructions. I will reside at the place designated in my parole instructions and shall not change residence unless I receive prior approval from the supervising Judicial District Director or Director's designee. I will obey any curfew restrictions placed upon me by supervising officer. I shall not leave the county of my residence unless I receive prior permission to travel from my supervising Judicial District Director or Director's designee.

10a. I shall not be at (specific location information) unless approved by my supervising Judicial District Director or Director's designee.

10b. I will reside at the Residential Correctional Facility until discharged by the Residential Manager and/or my supervising Judicial District Director or Director's designee. I shall obey all of the rules and regulations of the Residential Correctional Facility.

10c. I will reside at (specific location information) until my supervising Judicial District Director or Director's designee approves another place of residence.

20: Supervision Conduct

I shall maintain contact with my supervising officer as directed and shall not lie to, mislead, or misinform my supervising officer either by statement or omission of information. I shall use my true name in all dealings. I shall follow all conditions that can and may be placed on my parole by the Board of Parole and any additional conditions that can be added by my supervising officer at any time during my supervision.

20a. I shall participate in intensive parole supervision program unless my supervising Judicial District Director or Director's designee determines otherwise.

20b. I shall not use the internet or other forms of electronic social media for anything other than job searches, unless approved by my supervising Judicial District Director or Director's designee.

20c. I understand that I will be on parole supervision until the actual date of the discharge of the sentence(s) for which I am on supervision and that I will not be discharged early from supervision unless this condition is, otherwise, amended by the Board of Parole.

30: Restrictions on Association

I shall not associate with any person having a criminal record, currently under supervision or any person known or suspected to be engaged in criminal activity, unless approved by my supervising Judicial District Director or Director's designee. I shall treat all persons with respect and courtesy and refrain from assaultive, intimidating, or threatening verbal or physical abuse. I shall have no direct or indirect contact or communication with any victim or the family of any victim of my offense(s), unless contact or communication with any victim or the family of any victim is authorized by my supervising Judicial District Director or Director's designee.

Highlighted = Conditions can be amended by CBC

Red text = Require Board approval

Green text = Condition can be added by the Board before release or by an ALJ only if already in the community, can be amended or removed by CBC

30a. *I shall not associate with (name of person) unless approved by my supervising Judicial District Director or Director's designee.*

30b. *I shall have no direct or indirect contact or communication with any victim or the family of any victim of my offense(s).*

30c. *I shall have no contact with any minor child - direct or indirect. I shall not work, reside, establish contact with or join any group or organization that deals with minors.*

30d. *I shall have no contact with any minor child, direct or indirect, unless approved by my supervising Judicial District Director or Director's designee. I shall not work, reside, establish contact with or join any group or organization that deals with minors unless approved by my supervising Judicial District Director or Director's designee.*

30e. *I shall not initiate, establish or maintain contact with any person eighteen years of age or older who is unable to protect their own interests or unable to adequately perform or obtain services necessary to meet essential human needs, unless approved by my supervising Judicial District Director or Director's designee.*

30f. *I shall have no direct or indirect contact or communication with any victim or the family of any victim of my offense(s) with the exception of the following named individuals: (name of person)*

Note: *The victim's family includes spouse, child, mother, father, siblings, step-parents, step-children, step-siblings, and/or any legal guardian, aunts and uncles as well as their children (1st cousins to victim) and grandparents.*

40: Treatment, Rehabilitation & Other Programming

I shall participate and cooperate with any treatment, rehabilitation, or monitoring programs; including any electronic monitoring required by the supervising officer in the District I am being supervised in. I shall seek mental health services as appropriate. I shall submit a DNA sample if requested by my supervising officer or other law enforcement official. If needed, I shall continue to work toward attaining my GED or complete the requirements for a high school diploma. I shall schedule and keep all appointments necessary for the successful completion of programs and services in which I am participating and for the successful completion of my parole supervision. I shall sign any release or waiver requested by my parole officer to authorize my parole officer to receive and access any information relating to any treatment program or otherwise as requested by my parole officer.

40a. *I shall complete sex offender treatment program and sex offender aftercare treatment program unless my supervising Judicial District Director or Director's designee determines otherwise.*

40b. *I shall complete (number) hours of community service as ordered by my supervising Judicial District Director or Director's designee.*

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50: Substance Abuse

I shall not use, purchase, or possess alcoholic beverages and shall submit to alcohol tests and drug tests when directed by my supervising officer. I shall not enter taverns or liquor stores or other establishments where the primary activity is the sale of alcoholic beverages. I will not use, ingest, inject, huff, possess or smoke any illegal or synthetic substances. I shall not use, purchase, possess or transfer any drugs unless prescribed to me by a physician.

60: Legal Conduct

I shall obey all laws and ordinances. I shall notify a parole officer within 24 hours if I am arrested, receive a citation or if I have any contact with law enforcement. I shall not own, possess, use or transport firearms, dangerous weapons, or imitations thereof, unless approved by my supervising officer. I will submit my person, property, place of residence, vehicle, and personal effects to search at any time, with or without a search warrant, warrant of arrest or reasonable cause by any parole officer. I waive extradition to the State of Iowa from any jurisdiction in or outside the United States (including Indian Reservation or Indian Trust Land) and also agree that I will not contest any effort by any jurisdiction to return me to the State of Iowa.

70: Economic

I shall pay restitution, court costs, and attorney fees as directed by the court. I shall pay any fees associated with programs and services ordered by my supervising Judicial District Director or Director's designee during the course of my supervision. I will comply with all the terms of my restitution plan. I will pay to the supervising District Department of Correctional Services an enrollment fee to offset the cost of my supervision as provided in the Iowa Code. I will pay this fee upon such terms as my supervising officer directs. I understand that I may not be discharged from parole until all fees are paid. I shall secure and maintain employment as directed by my supervising officer. I shall notify my supervising officer within twenty-four (24) hours if my employment is terminated. I shall seek employment if I am unemployed and shall report my efforts to find employment as directed by my supervising officer.

70a. I shall not apply for a checking account, credit card, student loan, or any other financial agreement without the approval of my supervising Judicial District Director or Director's designee. Nor will I work for any financial institution.

80: Driving

I shall not operate a motor vehicle upon the public roads and highways unless I have a current, valid driver's license and insurance. If my driving privileges were suspended, revoked or barred, and now have been reinstated by the Department of Transportation, I must receive approval from my supervising Judicial District Director or Director's designee prior to getting my driver's license.

Highlighted = Conditions can be amended by CBC

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COMMUNITY BASED PAROLE CONDITIONS:

11. I shall not be at (location information) unless approved by my supervising Judicial District Director or Director's designee.
12. I will reside at (location information) until my supervising Judicial District Director or Director's designee approves another place of residence.
13. I shall be at my residence between (start/end time).
22. I shall not use the internet or other forms of electronic social media for anything other than job searches, unless approved by my supervising Judicial District Director or Director's Designee.
23. I am required to follow the instructions of my signed Work Release Day Reporting agreement. If I incur violations, they will fall under the parole revocation process. I understand violations could result in a Report of Violation being filed with the Iowa Board of Parole. This may result in my being held in jail/prison pending the outcome of a Revocation Hearing held by the Administrative Law Judge.
31. I shall not associate with (name of person) unless approved by my supervising District Director or Director's Designee.
32. I shall have no contact with any minor child, direct or indirect. I shall not work, reside, establish contact with or join any group or organization that deals with minors unless approved by my supervising Judicial District Director or Director's Designee.
33. I shall not initiate, establish or maintain contact with any person eighteen years of age or older who is unable to protect their own interests or unable to adequately perform or obtain services necessary to meet essential human needs, unless approved by my supervising Judicial District Director or Director's designee.
41. I shall successfully complete (type) treatment program unless my supervising Judicial District Director, Director's designee determines otherwise.
42. I shall complete (number) hours of community service as ordered by my supervising Judicial District Director or Director's designee.
71. I shall not apply for a checking account, credit card, student loan, or any other financial agreement without the approval of my supervising Judicial District Director or Director's designee. Nor will I work for any financial institution.

Highlighted = Conditions can be amended by CBC

Red text = Require Board approval

Green text = Condition can be added by the Board before release or by an ALJ only if already in the community, can be amended or removed by CBC



ROBINA INSTITUTE
OF CRIMINAL LAW AND CRIMINAL JUSTICE

The Robina Institute of Criminal Law and Criminal Justice is a research institute within the University of Minnesota Law School. We perform interdisciplinary research, bringing legal and social science research together with policy analysis and practice to develop policy-focused solutions to issues within the field of criminal justice.