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A CONSERVATIVE APPROACH TO COMMUNITY SUPERVISION IN THE AGE OF COVID-19

August 2020

BACKGROUND

It is estimated that there are over six million Americans currently involved with our criminal justice system, [4.3 million](#) of which are under some form of community supervision. More commonly recognized as either probation or parole, community supervision has become a complex regulatory web that presents numerous problems for our criminal justice system in its present form.

Today, an estimated [45 percent](#) of all state prison admissions stem from community supervision violations, with half of those being technical in nature. These technical violations are often non-serious infractions such as missing a post-release meeting, being out past a set curfew or even drinking an alcoholic beverage. This practice of punishing technical violations with prison time has been a [large contributor](#) to the current state of overcrowding in state and federal prisons.

This problem looms large now more than ever as COVID-19 continues to spread through correctional institutions, leaving in its wake over [70,000 infections](#) and hundreds of deaths. Even after release, the “supervision” in community supervision has become exceedingly difficult to perform while maintaining the practice of social distancing, with many officials opting to supervise their clients [remotely](#). By re-examining community supervision through the lens of public health, we can decrease needless incarcerations and infections alike.

GOALS OF CONSERVATIVE COMMUNITY SUPERVISION REFORM

Reducing Unnecessary COVID-19 Exposure

Research from Johns Hopkins University suggests that those incarcerated are [five times](#) more likely than the average person to be infected with COVID-19. Close quarters, a rapidly aging prison population and inconsistent healthcare quality has resulted in [high infection rates](#) within prison walls. Even surrounding communities are at elevated risk of infection as correctional officers return home and some community supervision officers are [still required](#) to meet with their clients in person. This becomes more distressing when we consider the fact that the current pandemic is projected to last [well into 2021](#).

Reducing the Costs of Overbearing Community Supervision

It is widely acknowledged that community supervision requirements are often both [intricate and rigid](#), a regulatory framework that abrogates [Constitutional rights](#) and encourages high [reincarceration rates](#). For some, this tradeoff may be worth it if the rehabilitation outcomes produced by the current community supervision system were positive. However, studies ranging from [1993](#) to the [present day](#) have shown that the only sustained impact of our current system is an increased ability to catch lay people in legalistic technicalities. On the other hand, efforts to reform our community supervision systems stand not only to increase public safety, but also to enhance personal liberty.

Currently, the federal government and states alike are spending [billions of dollars](#) to confine people who have violated technical community supervision rules. With [budget deficits](#) mounting around the country, we should only be spending taxpayer dollars to incarcerate individuals who pose a real threat to their communities, not those who are trying to reform themselves as productive members of society.

Like many in America, those under community supervision are suffering from financial hardship, with most still required to pay [hundreds of dollars](#) in court fees for their own supervision. With many justice-involved

individuals already in or [dangerously close to poverty](#), our justice system stands to make a bad situation worse by driving many into government debt in the midst of a pandemic.

RECOMMENDED SOLUTIONS

To address immediate public health and economic concerns surrounding COVID-19 and the community supervision system at-large, the following policy options are recommended for rapid implementation.

- Community supervision officials should conduct all meetings with low-risk clients telephonically or by video conference, reserving in-person meetings for strictly necessary interactions in order to reduce opportunities for infection. This is a move supported by [various](#) community supervision executives.
- A moratorium or curtailment of supervision-associated fines and fees. It should be noted that this is a policy change that [many localities](#) have already put into effect.
- Given the risk of infection and lack of a clear public safety rationale, policymakers should eliminate or greatly limit incarceration of young people and adults for technical violations of supervision.
- Community supervision officials should proactively work with families and other local, social- service agencies to develop realistic, individualized case plans responsive to pandemic conditions and public health restrictions.
- To address the more systemic deficits present in the community supervision system, both a revision of the regulatory structure and promulgation of new court, county or state guidelines is suggested. A supervision framework such as Pierce County, Washington's "[Opportunity-Based Probation](#)" rewards individuals for completing goals with perks, removing or restricting them if goals are failed to be met, and uses reincarceration as a last resort. As it stands, judges have a great deal of [discretion](#) when it comes to punishing community supervision infractions, an aspect of the system that can sometimes create [adverse outcomes](#). We should implement judicial guidelines concerning how judges assess such infractions, taking into account:
 - ♦ The cause and nature of the infraction (was public safety put in jeopardy?);
 - ♦ Demonstrated needs of the individual (do they suffer from substance abuse, mental illness or simply lack the monetary means to complete current community supervision goals?);
 - ♦ The efficiency of corrective action: whether or not the chosen judicial response is the least intrusive yet most effective option that still preserves public health and safety.

CONCLUSION

While COVID-19 will hopefully pass with time, the structural problems it has revealed in our current system of community supervision will not fade away so easily. As it stands, community supervision is a prime example of government excess and inefficiency. Reform of this institution is therefore not only in the nation's best interests, but also solidly within the conservative ideological purview.

CONTACT US

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