

Encouraging community release and appropriate supervision

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Correctional Service of Canada and the National Parole Board are committed to ensuring the safe and timely reintegration of offenders into the community. Frequency of contact standards and special release conditions are used in part, to meet this objective. While frequency of contact refers to the minimum number of face-to-face contacts an offender must have with his or her parole officer while in the community, special conditions are restrictions that the National Parole Board imposes upon newly released offenders to facilitate safe reintegration. Examples include 'must not associate with criminal others' or "must attend psychological counseling" This article describes each practice and reviews existing research evidence regarding their effectiveness.

Almost all offenders who receive a carceral sentence will eventually return to society. Further, most will serve a portion of their sentence in the community under supervision. In Canada, federal offenders² may be released into the community prior to the expiration of their sentence under day parole, full parole, or statutory release. Statutory release is a legislative requirement that directs the automatic release of all offenders (excluding lifers and dangerous offenders) after serving two-third's of their sentence provided that they are unlikely to present a danger to society. In contrast, day and full parole are not automatic. An offender must apply to the National Parole Board (NPB) who in turn, decides whether or not the applicant is ready for early release. While offenders on day parole are required to return to a halfway house each night, this is not a requirement for offenders on full parole. Regardless of release type, all offenders are subject to various conditions or restrictions while under community supervision. These conditions are specifically designed to facilitate the offender's safe return to society.

Three types of conditions or standards currently exist to facilitate the successful reintegration of offenders into the community. First, all offenders on conditional release are subject to conditions outlined in the *Regulations of the Corrections and Conditional Release Act* (CCRA).³ In sum, these conditions require that all offenders under community supervision travel directly to their predetermined destination, that they report immediately to their parole officer upon release, that they obey the law and keep the peace, and that they remain within the territorial boundaries specified by the parole officer. Second,

the NPB may impose an additional set of special conditions such as "abstain from alcohol," "must avoid certain persons" or "must follow psychological counseling." Unlike, the CCRA conditions, special conditions are not mandatory for all offenders. Rather, each case is examined individually to determine which special conditions, if any, should be imposed. Conditions are only imposed if it is believed that such conditions will facilitate successful reintegration. Lastly, Standard Operating Practices within the Service provide an additional set of supervision standards that offenders must abide by in order to remain in the community. This article reviews one such standard, namely, frequency of contact and more generally, special conditions imposed by the NPB.

Frequency of contact in practice

Frequency of contact refers to the number of face-to-face contacts an offender must have with his or her parole officer while under community supervision. This condition, imposed by the Service is specifically linked to research in that, offenders with higher level of static and dynamic factors are required to meet more frequently with their parole officer.⁴ Briefly, the literature has conceptualized factors that predict recidivism as either static or dynamic. While static factors such as criminal history remain constant and do not change as a function of intervention, dynamic factors such as attitude are changeable and in theory, can be altered through appropriate intervention. Further, changes in dynamic factors achieved through treatment that are subsequently linked to reductions in recidivism are known as contributing factors or criminogenic needs. Conversely, changes in dynamic factors that do not necessarily reduce recidivism but nonetheless generate some benefit such as enhanced self-worth are referred to as noncontributing factors or noncriminogenic needs.⁵

Before reviewing the frequency of contact standard it is necessary to first describe how the Service generates the two factors used to determine the frequency of contact level, namely, the level of intervention based on static factors and the level of intervention based on dynamic factors. The static and dynamic levels of intervention are initially determined when the offender first enters the federal system during the Offender Intake

Assessment (OIA) process.⁶ Each rating is independently scored as low, medium, or high based on a multi-method assessment approach. The static rating integrates information related to the statistical probability of recidivism, for example, the Statistical Information on Recidivism Scale (SIR-R1),⁷ the nature and severity of criminal history, and lastly, public safety concerns. Higher ratings are associated with a greater probability of recidivism. Similarly, the dynamic level of intervention rating of low, medium or high considers the severity and number of dynamic factors. Dynamic factors considered include employment, marital/family, associates, substance abuse, community functioning, personal/emotional and criminal attitudes.

Both ratings are initially assessed at intake and are subsequently re-assessed every six months thereafter.⁸ However, in most cases, the static rating is not likely to change until the offender has been released to the community and has remained in the community for at least six months. Further, the Services' Standard Operating Practices indicate that each rating can only move up or down one level if significant and sustained changes have occurred in one of following areas: 1) time since offender's release, 2) the existence of collateral contacts that could assist in supervision, 3) significant disciplinary problems, suspensions or police intervention in the last year, and 4) offender's progress and/or motivation to participate in his/her correctional treatment plan.

Currently, the Service has five different levels of supervision contacts. Each of which varies as a function of both the static and dynamic levels of intervention. Offenders who are rated as being high on both the static and dynamic levels are required to meet with their parole officer at least four times per month (Level A). Conversely, offenders rated as low on both dynamic and static levels are only required to meet with their parole officer at least once per month (Level C). The remaining combinations for example, low static and medium dynamic, require two minimum contacts per months (Level B). At the parole officer's discretion, offenders can progress to Level D, which requires a minimum of one face-to-face contact every two months. Offenders are eligible for Level D if they have been at Level C for six months, have no special conditions or programming requirements, and have been on full parole or statutory release for at least one year. Lastly, offenders can move from a Level D to a Level E (one face-to-face contact every three months), if they have successfully met the criteria outlined in Level D for at least one year. Once again, this transition is based on the parole officer's discretion.

It is important to note that the Services' Standard Operating Practices pertaining to frequency of

contact are merely guidelines. While the parole officer must meet the minimum requirements, he or she can choose to increase the frequency of contact based on his or her discretion. Interestingly, research suggests that factors such as age, the nature of the offence, motivation level, and reintegration potential all play a role in determining whether or not a parole officer will increase or maintain the frequency of contact condition.⁹ Briefly, reintegration potential is a composite rating of low, medium, or high derived from the SIR-R1, the static level of intervention, the dynamic level of intervention, level of motivation, the number and type of successful or unsuccessful releases, and lastly, public safety concerns. Individuals assessed as having a high reintegration potential are considered low risk for future criminal offending. Conversely, individuals assessed as having a medium and low reintegration potential are considered medium and high risk for future criminal offending, respectively.

Does frequency of contact matter?

Research to date has not specifically examined whether or not frequency of contact per say can prevent offenders from engaging in criminal activity. However, we can infer from related research that frequency of contact in isolation, most likely will not have a dramatic impact on recidivism. A recent research review¹⁰ demonstrates that community-based, "get tough" strategies such as restitution, boot camps, scared straight initiatives, drug testing, electronic monitoring, and intensive supervision programs (ISPs) have little, if any, impact on recidivism. Briefly, ISPs are probation and parole supervision models characterized by control strategies such as intensive monitoring and surveillance techniques rather than treatment-orientated services. They [ISPs] "turn up the heat by: greatly increasing contact between supervisors and offenders; confining offenders to their homes; enforcing curfews; submitting offenders to random drug testing; requiring offenders to pay restitution to victims; electronically monitoring offenders; and requiring offenders to pay for the privilege of being supervised".¹¹ The research review, which included 20 different ISP studies involving 19,403 offenders, demonstrated that there was virtually no difference in recidivism rates between offenders who received the ISPs and those who received regular probation or parole. Interestingly, however, ISPs that also included a treatment component generated a 10% reduction in recidivism.¹²

This research demonstrates that intensive supervision models emphasizing monitoring and control in the absence of treatment will have virtually no effect on successful reintegration. However, it

should be noted that unlike frequency of contact practices within the Service, ISPs generally target low risk offenders. No attempt is made to match supervision level with risk level. Given that past research¹³ demonstrates intensive services aimed at low risk offenders may do more harm than good, the ISP results are not surprising. However, arguably, if frequency of contact is linked to risk level or alternatively, level of intervention based on static and dynamic factors as it currently is in the Service, some benefit should accrue. This hypothesis is consistent with both the risk principle: higher risk offenders should receive the most intensive level of service to derive maximum benefit and the need principle: treatment should target criminogenic rather than noncriminogenic needs to optimize benefits.¹⁴ However, research has yet to specifically examine whether or not frequency contact based on risk level can contribute to successful reintegration.

The National Parole Board and special conditions

The National Parole Board of Canada is mandated to contribute to the protection of society by facilitating the safe and timely return of offenders back into the community. Not only does the Board determine whether or not an offender is ready to be released but also whether or not it is necessary to impose conditions or restrictions on his or her behaviour to prevent future criminal conduct. While the Board is responsible for imposing special conditions, it is the responsibility of the Correctional Service of Canada to monitor each offender's compliance with these conditions. Further, while the Board is ultimately responsible for deciding whether or not to impose or modify a condition, the Service typically recommends whether or not to impose a condition. Interestingly, the Board and the Service are in agreement approximately 86% of the time in terms of which conditions should be imposed.¹⁵

Typically, special conditions include restrictions such as "must abstain from alcohol or drugs," "must avoid certain places or persons," "must follow psychiatric or psychological counseling," "must follow correctional treatment plan" and "must reside at a specific location." As with the frequency of contact standard imposed by the Service, special conditions are linked to research in that they generally target criminogenic needs or contributing factors. Moreover, special conditions can also be modified if they are deemed no longer reasonable or necessary for the protection of society or for facilitating the offender's reintegration back into society. More specifically, the Board will consider the following factors when deciding whether or not to alter a special condition: progress during release,

degree of stability associated with current situation, the existence of stressors, and whether or not the offender has addressed the factors that lead to imposing the condition in the first place.

Most offenders will receive at least one form of special condition upon release. For example, data from the early 1990s indicates that approximately 85% of offenders on day parole will be released with at least one special condition. The most common conditions are abstain from alcohol (57.6%), abstain from drugs (57.2%), obtain psychological counseling (27.3%), and do not associate with criminal others (22.6%).¹⁶ Similarly, almost 1/3 of the statutory release offender population currently has a residency condition attached to their release.¹⁷ Briefly, individuals with a residency condition are required to live at a Community Residential Facility (halfway house) or a Community Correctional Facility.

Do special conditions work?

Determining whether or not special conditions imposed by the Board impact criminal recidivism is difficult to answer. It can be argued that failures resulting from technical violations such as a breach of one's non-association condition are actually successes in that they prevented offenders from engaging in criminal conduct. Alternatively, it could also be argued that failures resulting from technical violations are too conservative and simply represent a misallocation of resources in that these individuals may not have committed a new crime if they had been permitted to remain in the community. Clearly, we can not conduct research that directly answers this question given that it would be unethical to risk public safety in order to determine whether or not technical violators would have committed a new offence if left in the community.

Despite methodological difficulties, one study¹⁸ has managed to shed some light on the efficacy of special conditions. The research examined whether or not special conditions had any impact on the successful completion of day parole. Interestingly, the study found that special conditions imposed by the Board in and of themselves had no effect on whether or not an offender committed a new crime while on day parole. Further, even when the imposed conditions were clearly linked to an identified criminogenic need the likelihood of committing a new offence remained unaffected. However, there was one notable exception: criminal associates. New offence rates dropped from 10.4% to 6.5% when the Board imposed a non-association condition for cases where it was identified as a problem area. Interestingly, the imposition of the non-association condition was also linked to a reduction in offence

rates regardless of whether or not the Service had identified criminal associates as criminogenic.

In sum, we can conclude that frequency of contact standards and special conditions can potentially play an important role in the reintegration process provided that they are used *in conjunction with* treatment and are linked to the principles of risk and need. However, it is also reasonable to assume that

additional benefits would accrue if the system considered not only quantity of contact but quality of contact as well. More specifically, adopting principles of effective correctional intervention such as role modeling, positive reinforcement, and firm but fair strategies should in theory, make substantial contributions to the reintegration process. Research examining this very issue is currently underway.¹⁹ ■

- ¹ 340 Laurier Avenue West, Ottawa, Ontario K1A 0P9.
- ² In Canada, provincial governments are responsible for administering sentences less than two years while the federal government is responsible for carrying out sentences more than two years.
- ³ *Corrections and Conditional Release Act* (June, 1992) (Chapter 20).
- ⁴ Countless studies have clearly demonstrated that offenders who possess higher levels of static and dynamic factors are more likely to recidivate. See Gendreau, P., Little, T., & Goggin, C. (1996). A meta-analysis of the predictors of adult offender recidivism: What works! *Criminology*, 34(4), 575-607.
- ⁵ Andrews, D. A., & Bonta, J. (1998). *The psychology of criminal conduct (2nd ed.)*. Cincinnati, OH: Anderson Publishing.
- ⁶ Motiuk, L. L. (1997). Classification for correctional programming: The Offender Intake Assessment (OIA) process. *Forum on Corrections Research*, 9(1), 18-25.
- ⁷ Nuffield, J. (1982). *Parole decision-making in Canada: Research towards decision guidelines*. Ottawa, ON: Supply and Services Canada.
- ⁸ For offenders serving sentences greater than 10 years or indeterminate sentences (e.g., lifers and dangerous offenders) the re-assessment occurs at a minimum once per year.

- ⁹ Blanchette, K. D. (2000). Raw unpublished data.
- ¹⁰ Gendreau, P., Goggin, C., Cullen, F. T., & Andrews, D. A. (2000). The effects of community sanctions and incarceration on recidivism. *Forum on Corrections Research*, 12(2), 11-13.
- ¹¹ Gendreau, Goggin, Cullen & Andrews (2000).
- ¹² Gendreau, Goggin, Cullen & Andrews (2000).
- ¹³ Andrews, D.A., Zinger, I., Hoge, R.D., Bonta, J., Gendreau, P., & Cullen, F. T. (1990). Does correctional treatment work? A psychologically informed meta-analysis. *Criminology*, 28, 369-404.
- ¹⁴ Andrews & Bonta (1998).
- ¹⁵ Grant, B. A., Motiuk, L. L., Brunet, L., & Lefebvre, L. (1996). *Day Parole Program Review: Case Management Predictors of Outcome*. Research Report R-52, Ottawa, ON: Research Branch, Correctional Service of Canada.
- ¹⁶ Grant, Motiuk, Brunet & Lefebvre (1996).
- ¹⁷ National Parole Board. Mid-year 1998-1999 performance monitoring report (1998). Available at www.csc-scc.gc.ca
- ¹⁸ Grant, Motiuk, Brunet & Lefebvre (1996).
- ¹⁹ Correctional Service of Canada. Compendium 2000 on Effective Programming. Ottawa, ON: Research Branch (in progress).

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