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Setting Parole Conditions to Achieve Public Safety

Goals of this Guide, and How to Use It

This Action Guide, *Setting Parole Conditions to Achieve Public Safety*, is designed to assist parole Boards improve and strengthen their practice with respect to setting conditions for parole release and supervision. It is one in a series of Action Guides developed by the [National Parole Resource Center \(NPRC\)](#) and builds upon the NPRC's [Self-Assessment Toolkit for Paroling Authorities](#), an online guide that identifies [ten practice targets](#) paroling authorities should consider implementing to assist them in achieving their public safety and risk reduction goals.

Each Action Guide will address a different practice target and provide parole Board members the opportunity to consider each of the targets—explained in the Toolkit—in more depth.¹ It is strongly recommended that parole Boards use the *Toolkit* as a first step before using this Action Guide—or any of the Guides in the series. The *Toolkit* reviews all of the practice targets, their basis in the research, and engages the user – through a series of questions – in a process of considering broadly how they see their own Board's current practices in each area. The Action Guides then support a Board in moving toward significant practice improvements in each area.

Specifically, this Action Guide on ***Setting Parole Conditions to Achieve Public Safety*** is intended to assist parole Board chairs, members, and staff to:

- Use the information and insights gained as a result of using the NPRC [Self-Assessment Toolkit](#) for Paroling Authorities;
- Consider how condition-setting practices can be part of a strategy for enhancing public safety and the wise use of resources;
- Develop a common understanding of the Board's current policies and practices with respect to condition setting;
- Review and analyze the evidence and "best practices" with respect to setting conditions and identify the gaps and challenges they want to address; and
- Consider what changes the Board would like to make and how to best plan and implement those changes.

This guide is presented in sections to facilitate its use:

- **Tab 1:** [Goals of this Guide and How to Use It](#).
- **Tab 2:** [Background and Context](#) provides an introduction and sets the context regarding the origins and traditional purposes for setting conditions.
- **Tab 3:** [Understanding the Evidence and Its Implications for Setting Parole Conditions](#) provides a brief overview of the empirical research

Specifically, this Action Guide, when used effectively by a Board committed to improving public safety, will enable that Board to: fashion condition setting policy to minimize requirements

on effective correctional practices and the setting of parole conditions to enhance community safety and reduce offender risk. It also addresses some of the challenges of implementing evidence-based condition setting practices.

- *Tab 4: [Moving Toward Implementing Practice Improvements and Performance Measurement](#)* details seven steps, highlighted in a graphic "roadmap," that Boards can take to develop and implement change strategies to improve current condition setting policies and practices. The steps include a set of questions that, if answered accurately, will give Boards a snapshot of key aspects of their condition setting practices. This section also provides examples of conditions – standard and special – that other Boards have elected to adopt. The section includes a sample action plan format and tools to guide parole Boards through a process of revisiting/updating the goals they hope to accomplish, and defining/implementing changes they conclude and agree must be made in policy and/or practice, and closes with a plan to measure performance and offers considerations for defining and measuring progress toward success, and using measurement feedback to continue strengthening practice going forward.
- *Tab 5: [References/Endnotes](#)* provides documentation of the literature and research upon which this Action Guide is based.
- *Tab 6: [Links](#)* lists helpful resources used by the NPRC in assembling this Action Guide and which are recommended for those wanting to supplement their knowledge on this topic. The listings in this tab provide direct links to web-based resources.

on low risk offenders, and target conditions to criminogenic needs of medium and high risk offenders.

¹ The complete Action Guide Series will include: Use of Sound, Actuarial Assessments of Risk and Needs; Use of Evidence-based Decisionmaking Tools, Policies and Guidelines; Paroling Authorities: The Importance of Developing Meaningful Partnerships; Parole Boards as Critical Stakeholders in Targeting Resources to Enhance Community Safety; Release Considerations with Low Risk Offenders; The Parole Interview as an Opportunity to Enhance Motivation to Change; A Strategic Approach to Setting Parole Conditions; and A Strategic Approach to Responding to Parole Violations.

This project was supported by Grant No. 2010-DJ-BX-K140 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the SMART Office. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice.

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Background and Context

The Role of Paroling Authorities

There are nearly 853,900 adults on parole in the United States; 744,700 of those are state parolees (Bureau of Justice Statistics, 2012).² United States parole Boards responsible for the oversight of these cases vary widely on many dimensions, including their level and type of discretion with respect to release, their case review and hearing practices, and the degree to which they oversee post-release supervision. Virtually all paroling authorities, however, share the weighty responsibility for setting conditions of release. Discretionary parole release is, as confirmed by the U.S. Supreme Court, a privilege and not a right, and the release of an individual on parole has always been accompanied by certain conditions that the parolee must agree to abide by after release in order to remain at liberty in the community. The setting of these conditions is a critical parole Board function, as conditions provide a framework through which expectations of the offender are communicated, and through which officers have traditionally supervised parolees. In recent decades, the correctional literature has evolved to a point where much more is known about how to supervise offenders in a way that promotes success rather than encourages failure. In response to this evidence, and in an era of increasingly scarce resources, parole Boards across the country have expressed interest in learning more about how to set parole conditions in a way that encourages offenders to succeed and reduces risk to the community.

Over the years, the use of conditions has been influenced by the historical shifts in correctional philosophies from rehabilitation in the early 20th century, to retribution in the 1970's and 80's, to risk management more recently. Today, the entire criminal justice and corrections community has begun to focus more directly upon reduction of risk, recidivism and re-victimization—and the body of research that has identified effective correctional practices to achieve those goals. It is only logical—and indeed imperative—to explore the research (evidence) and how it can be applied to the setting of conditions. This Action Guide can be used as a resource by parole Boards who wish to explore how their authority to set conditions can be most effectively used in enhancing public safety, in reducing the risk of recidivism, and in using public resources wisely.

Defining Terms

Terminology regarding parole conditions typically includes two categories: 1) those conditions referred to as *general, or standard*; and 2) those conditions referred to as *special*. Terms may vary somewhat, but *general or standard conditions* are those that are routinely imposed on all those under parole supervision, and must be met by everyone who is released on parole regardless of their individual circumstances. *Special conditions* represent additional requirements that must be met by particular offenders related to issues or concerns specific to these offenders. Many jurisdictions, for instance, have a set of special conditions that they routinely impose on individuals convicted of sex crimes. Or there may be practices in place to impose conditions that require treatment because of the nature of the crime. The authority

and/or mandate for imposing general or special conditions may be found in statute or regulations/rules with the force of law. They may also stem from policies, procedures, or practice implemented through the exercise of the parole Board's discretion in such matters.

Traditional Approach to Setting Conditions

The reasons for imposing conditions are numerous. Some conditions may relate to specific, immediate public safety concerns (e.g., do not possess a weapon), others may involve efforts to address criminogenic risks or needs (e.g., a requirement to attend treatment or services), some may attempt to limit an offender's actions or access (e.g., do not visit certain locations, or have contact with victims), or to assure their availability for supervision (e.g., required to report and not to leave certain geographic areas without permission), while others may be imposed for purposes such as reparation, (e.g., required to pay funds to a victim compensation fund, or perform community service). Failure to meet imposed conditions can result in any response up to, and including, the ultimate consequence of return to prison.

Failure may also result in the imposition of other responses short of re-incarceration. These responses are, increasingly, building upon our growing knowledge of how to encourage positive behavior and respond in risk-reducing ways to violations. And the setting of conditions, of course, sets the framework for this approach to managing the behavior of individuals on parole supervision. Thus, it is important for the releasing authority to have a clear understanding of the purpose and intended goal of all imposed conditions—and then to fashion their policies and practices to achieve those goals.

² This data is current as of the end of 2011, the most recent year for which these statistics are available.

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Understanding the Evidence and Its Implications for Setting Parole Conditions

A Targeted, Evidence Based Approach to Setting Conditions

A key challenge facing paroling authorities is setting conditions that will contribute to an offender's successful completion of supervision, because, as we are beginning to understand more clearly, if an offender is successful, the community is safer. If an offender can complete supervision with no new crimes, no new victims, and—having had a supervision experience that has reduced his risk of re-offending in the future—the risk to the community is reduced.

The American Probation and Parole Association advises that conditions be "...realistic, relevant, and research-based" (Solomon, et al. 2008). Research-based conditions are supported by evidence illustrating the importance of targeting by risk, need and responsivity, and a connection between compliance and behavior change leading to improved public safety (Solomon, et al. 2008). The authors further state that realistic conditions should be:

- Limited in number;
- Attainable by the offender;
- Focus only on the circumstances in which the agency is prepared to consistently hold offenders accountable; and
- Relevant and tailored to the specific level of risk and needs domains assessed as likely to enhance the risk of reoffense.

Given that risk of reoffense is a paramount concern, understanding evidence-based approaches to risk reduction is of central importance to parole Boards. The term "evidence-based" refers to the application of policies and practices based on the results from sound, empirical research (Carter, 2011). Such research has demonstrated that level of risk and type of needs can be assessed by using appropriate, empirically-based assessment tools; and recidivism can be substantially reduced when the criminogenic needs of high and medium risk offenders are addressed through effective interventions/programs provided to those individuals. In sum, this research encourages policy and practice that:

- Develops and uses accurate assessment of risk of re-offense and of the criminogenic needs driving that risk for individual offenders;
- Targets resources toward reducing the risk of re-offense by targeting the criminogenic needs of offenders assessed at medium and high risk;
- Implements appropriate programs/interventions to ensure risk reduction outcomes; and
- Matches interventions with risk level and criminogenic needs of these offenders.

In applying this research to the specific issue of setting parole conditions, parole Boards should:

1. Assure that valid, empirically-based assessments of risk and need are available as part of the information routinely available, understood, and used as conditions are set.
2. Minimize requirements on low risk offenders.
3. Fashion conditions imposed upon medium and high risk offenders to link them to interventions and programs tailored to address and reduce their criminogenic needs.

Further, the research has identified risk factors that are found with high frequency in the offender population. Static factors that are highly predictive of risk to re-offend include (Gendreau, Little, and Goggin, 1996):

- Age at first arrest
- Current age
- Criminal history

The most commonly crime-producing dynamic risk factors or criminogenic needs include (Andrews et al. 2006):

- Antisocial attitudes, beliefs and values
- Antisocial behavior patterns
- Antisocial peers
- Antisocial personality and temperamental factors
- Family/marital stressors
- Substance abuse
- Lack of education, employment stability or achievement
- Lack of pro-social activities in leisure time

Because static these factors cannot, by definition, be changed, it is important—for those assessed at medium and high risk—to also assess dynamic risk and criminogenic needs which can then be targeted for change.

Research establishes that the likelihood of re-offense can be diminished if the level of intervention— both monitoring and treatment—is matched to the assessed level of risk (Andrews 2007; Andrews and Bonta 2007; Andrews, Bonta, and Wormith 2006; Andrews and Dowden 2007; Andrews, Dowden, and Gendreau 1999; Bonta 2007; Dowden 1998; Gendreau, Goggin, and Little 1996; Lipsey and Cullen 2007). Therefore, a reduction in recidivism among the high risk offender population is best achieved by delivering high intensity interventions (i.e., 200-300 hours of programming over 6-12 months), while reductions in recidivism among the moderate risk population is best achieved through the delivery of moderately intensive interventions (e.g., 100 hours over a modest length of time period of 3-6 months) (Bourgon and Armstrong 2005; Gendreau and Goggin 1996). The research is also clear that the greater the number of criminogenic needs addressed within a single individual, the greater the reduction in risk of recidivism. Where evidence-based interventions are effectively applied and targeted to address the assessed criminogenic needs of medium and high risk offenders, recidivism rates can be reduced an average of 30% (Andrews and Bonta 1998).

Low Risk Offenders

Conversely, the research explains that the best outcomes with the low risk population are achieved through low levels of intervention. In fact, higher levels of intervention—extended periods of incarceration; and/or requiring involvement in intensive interventions—can actually increase the likelihood that low risk offenders will re-offend (Andrews and Bonta 2007; Cullen and Gendreau 2000; Gendreau et al. 2001; Lowenkamp, Latessa, and Holsinger 2006). This finding is of particular import to paroling authorities who are

Tennessee

The Tennessee Board of Probation and Parole (Board) has articulated formally in their Parole Release Decision

making release decisions and setting conditions, because this research suggests that requiring programs and treatment for this group—through the imposition of conditions requiring such interventions—can do more to increase risk than to reduce it.

Particularly in this era of budget constraints, these findings suggest that requiring program participation from a group of offenders who already have an expected low rate of recidivism is hardly the best use of resources. Outcomes are much more impactful when programming is directed toward a population of offenders who have been assessed to be at a higher risk to recidivate. Second, the research documents that placing low-risk populations in housing, reporting, and treatment proximity to others at high risk can actually pose an iatrogenic effect of increasing their risk to reoffend (see, e.g., Andrews and Bonta, 1998; Dishion et al., 1999).

Conditions of Parole Shape the Important Use of Supervision Staff Time

The list of supervision conditions typically imposed by Boards has grown considerably in many jurisdictions. Many agencies have an extensive list of general and special conditions that can be—and are—often mandated. As the NPRC has worked with Boards across the nation, it has become clear that some Boards assume that the "standard" conditions typically required of offenders are required by statute. That is often not the case, and as Boards explore potential changes in practice, it is helpful to document the origin and authority underlying conditions.

Boards should also consider carefully the reasons, types, and number of conditions imposed. Appropriately tying conditions to an individual's level of risk and criminogenic needs enhances the likelihood that offenders will be able to meet their conditions and pose a lower risk of recidivism. For example, imposing substance abuse treatment would be an appropriate condition for an offender imprisoned for a drug-related offense—provided, of course, that such an offender has been assessed at medium or high risk to re-offend, *and* that substance abuse has been identified as a criminogenic need in his or her case. The treatment would address an identified criminogenic need by targeting specific risk factors connected to their reason for being imprisoned. Thus, matching interventions with assessed criminogenic needs of medium and high risk offenders is a significant strategy for risk reduction and enhanced use of resources. At the same time, imposing treatment requirements on an individual convicted of a drug-related crime—but who is in a low-risk group, or for whom substance abuse has *not* been identified as a criminogenic need—would not be appropriate. It would divert that treatment slot from someone at higher risk, thereby representing a waste of resources and possibly increasing the risk of the person required to participate.

Making Guidelines that low risk offenders will be considered for release at their first eligibility. The guidelines also prohibit the imposition of special conditions in these cases, barring special exceptions. For those offenders assessed to be at very low or low risk:

"Generally, release is suggested at the first hearing with a standard parole plan and conditions. No special conditions are recommended unless there is a documented need."

Benefits that Can Be Accrued from Reconsidering Condition Setting from this New Perspective

Implementing new approaches brings new challenges. Some Boards may be reluctant to change, based on their confidence in a system with which they are familiar. Other Boards may be concerned that changing these practices would require time, effort, and resources that are in all-too short supply. However, the potential benefits of using an evidence-based approach to condition setting are significant. They include:

- **Improved outcomes** – reduced risk of re-offense, reduced technical supervision violations, and increased public safety;
- **Reduced costs** – lower rates of recidivism and returns to

It has also been observed that the weight and complexity of multiple conditions can have a profound impact on the offender's overall ability to comply with the terms of supervision (Stroker, 2010). Emerging research is also beginning to demonstrate that the time supervision officers spend on compliance-related activities is much less productive than time spent interacting with offenders to enhance motivation, solve problems, and reinforce their risk reduction efforts (Carter, 2011). Therefore, when an offender is mandated to abide by an excessive number of conditions (that are likely to pose compliance challenges), a considerable portion of the parole officer's time will be spent monitoring and responding to the offender's compliance with or refusal to comply with those conditions. Perhaps counter-intuitively, then, the imposition of multiple conditions (which require significant time on the part of supervision officers solely for monitoring purposes), particularly with lower risk offenders—or conditions unrelated to criminogenic needs—can take away from the time officers can spend on other activities that have proven to be *more* impactful in terms of reducing risk.

This Action Guide has been developed to assist paroling authorities who have made the decision to explore, and perhaps make changes, in this area. Action steps in the next section can be used by a Board in following a process of clearly understanding current practice and, if desired, of developing an action plan for change.

incarceration that can reduce fiscal burdens on the system overall;

- **Consistency in decision-making practices**—assuring even-handedness and fundamental fairness; and,
- **Enhanced ability to explain and support decisions** – helpful as Boards undertake public and stakeholder education efforts—to build understanding and support for the work of parole Boards. This will also be important when responding to high profile case failures.

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If a Board determines they want to undertake an effort to improve condition setting practices, the below seven step process is recommended as a way of moving forward. Undertaking this process, as a team, will encourage the development of a shared understanding of the current approach to condition setting, provide an opportunity to revisit shared goals and values, and build a commitment to implement agreed-upon changes.

The remainder of this section moves through these steps to assist parole Boards in exploring current understanding of the research, to explore existing policy/practice, assess whether opportunities for change exist, and plan for desired change. Regardless of whether Boards are engaging this process as a full body, sub-committee, or working group, it will be important to move through this process as a team. A team-based approach provides a strong basis for developing a clear, shared understanding of the current situation in which to examine what changes will strengthen their practice.

A "roadmap" that illustrates the steps recommended and provides a way to navigate to a description of each step:



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[Step 1: Convene Board or working group and agree on a charter.](#) >

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Step 1: Convene Board or working group and agree on a charter.

A first step in the process is for the Board to agree on who will be involved in the work of clarifying current practice, revisiting the goals of condition setting, reviewing information from the research and identifying ways in which the Board can strengthen its practices. Members should be identified and a clear statement of the team's purpose, specific activities and outcomes, and ground rules should be established. This will include basic agreements on how often the team will meet, how its progress will be documented, and what the timeline for completion is expected to be. Roles on the team should also be specified—including a chair, a record keeper, and any subcommittees. It is strongly recommended that a facilitator—an individual other than the chair—who would be charged with moving the team through its agendas during working sessions—be identified.

< [Moving Toward Implementing Practice Improvements and Performance Measurement](#)

[Step 2: As a team, complete the NPRC Self-Assessment Tool Kit.](#) >

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Step 2: As a team, complete the NPRC Self-Assessment Tool Kit.

Parole Boards reviewing their condition setting practice may have already processed through the activities advised in the National Parole Resource Center's [Paroling Authority Self-Assessment Toolkit](#). If not, they are encouraged to avail themselves of this opportunity to give all Board members a common frame of reference, introduce the NPRC's "Practice Targets," and examine how a Board's practices can be described in relation to those targets. An important part of developing an effective change strategy is to understand, clearly, all aspects of current practice. The *Toolkit* provides a framework for a Board to develop such a shared understanding—from a "big picture" point of view.

< [Step 1: Convene Board or working group and agree on a charter.](#)

[Step 3: Review the evidence-based practice research on condition setting.](#) >

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Step 3: Review the evidence-based practice research on condition setting.

Charge a subcommittee or small working group with examining the correctional literature on evidence-based approaches to conditional setting, "what works" with different types of offenders (e.g., high risk vs. low risk, special populations of offenders). Share the information that is gleaned from this review with the larger group as a way to inform your discussions and make determinations about changes to your own practice that might be advisable. See the [Links](#) section of this document and the [Power Point presentation](#) on condition setting for sources of information and research.

< [Step 2: As a team, complete the NPRC Self-Assessment Tool Kit.](#)

[Step 4: Develop a shared understanding of your Board's current condition setting practice.](#) >

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Step 4: Develop a shared understanding of your Board's current condition setting practice.

Once a Board has used the Toolkit to develop a "big picture" understanding of their practice, they are then in a better position to delve more deeply into specific issues—such as policy and practice regarding condition setting. ([Click here](#) for a sample working session agenda for the Board that can be used for Steps 3-5 of this guide. The agenda is an example of a one day session but can easily be divided into multiple workgroup sessions.)

By taking the steps outlined here, a Board has an opportunity to review current condition setting practice and develop an overview of its implications—strengths and weaknesses. The goal of this step is to generate a clear understanding of just what constitutes current policy and practice, what forms the basis for that policy and practice (e.g., statute, regulation, past practice, etc.), and what is known about outcomes. A Board following this process is encouraged to add to or adapt the following suggested questions—with the goal of clarifying a sound, shared understanding of policy and practice. Questions to be explored, that will begin to generate a system-wide understanding of this practice, include:

With respect to "standard" conditions:

- What conditions constitute "standard conditions" routinely imposed on individuals released on parole? How many of them are there?
- Is there is a common understanding among parole Board members and parole supervision staff regarding the meaning of each condition? When is the last time the Board members collectively discussed the meaning of each condition? When is the last time Board members discussed their expectations concerning general conditions with field supervision staff?
- Consider the purpose, value, and objective of each condition. What is the condition intending to accomplish? Does the language used effectively convey the intended purpose of the condition? Do they present obvious difficulties for parolees—even those who are intending to be compliant?
- From what authority does the imposition of these conditions derive? Are they required by law? By procedure (with the force of law)? Does the Board have independent discretion to change any or all conditions (or make recommendations for changes)?
- What is each designed to accomplish? What is the consensus of the Board as to whether they have been successful in accomplishing those goals?
- Do they meet the criteria of being "relevant, reasonable, and research based?"
- Have questions or doubts been raised by Board or staff regarding the usefulness of any of these conditions?
- Review each condition to determine whether it is necessary to be imposed in all cases. Is the condition more

applicable or appropriate for certain types of individuals or particular types of cases? If so, then perhaps the condition could be imposed as a special condition.

- Explore with supervision staff the ways in which they respond to these conditions: how much time is devoted to compliance? What conditions do they find useful in case management? Do supervision staff have input as to the desirability or usefulness of certain conditions?
- Review the data on violations and revocations.
- What is the rate of violation/revocation among the supervision population? What percent of cases end in revocation to prison?
- Of these, what percentage is the result of technical violations?
- What are the reasons for most technical violations?
- What are the expectations of supervision staff if there is a failure to comply? (This issue, in particular will be the subject of a forthcoming Action Guide in this series on implementing policy-driven and graduated responses to technical violations of parole.)
- Are there special, or "no tolerance" expectations by the Board regarding each condition? If the Board expects particular responses by parole supervision staff to certain conditions, then is this expectation conveyed to the supervision staff? How?

[Click here](#) for a list of standard parole conditions from the Ohio Department of Rehabilitation and Correction or [here](#) for a list of special conditions from the Georgia State Board of Pardons and Paroles.

With respect to "special" conditions:

- What "special conditions" can be, and are imposed? On what types of offenders? For what purposes?
- Review all special conditions. Is there a common understanding among parole Board members and parole staff concerning the meaning of each condition?
- Are there special conditions—or packages of special conditions—designed to address specific types of offenders (e.g., sex offenders, drug offenders, mentally ill offenders?)
- Is the language used for each special condition easy to comprehend?
- What is the source of each special condition? Where does the language for this special condition come from?
- What is the method used to determine when and which special conditions may be imposed in individual cases? What is the basis for making these decisions (e.g., is the condition related to an identified and significant criminogenic need, or to a special public safety concern, or some other factor?)
- Where groups of special conditions might be imposed (e.g., for sex offenders) does the entire group of special conditions effectively relate to the facts in each case? If not, what steps are taken to impose only the most relevant or appropriate special conditions?
- What expectations do Board members have for field supervision staff when special conditions are violated? Are these interests or concerns different than when general conditions are violated? How are these expectations conveyed to field supervision staff?

For certain special populations of offenders (e.g., sex offenders) a more specialized set of conditions may be warranted to address their unique risk and needs. For example, an offender convicted of a crime against a child may be restricted from having contact with minors. An offender who is convicted of an internet crime may be limited in their use of a computer. These kinds of conditions should be applied selectively based on the circumstances surrounding each individual case. An example of the range of special conditions that might be applied can be found [here](#).

- As Boards set conditions, is information on assessed levels of risk and criminogenic need easily accessed? Do Board members routinely review these factors as they set conditions? If not, how could they change their practices to move more in this direction?

Do parolees have access to community interventions that are evidence-based and that address specific criminogenic

needs? If not, how might members work with other stakeholders to develop such resources? If so, how might members work with supervision agencies in their jurisdictions to prioritize resources for medium and high-risk offenders according to their assessed criminogenic need? How could prevailing condition setting practices (e.g., priorities, language) reinforce the targeting of these resources to offenders assessed as medium or high risk, and according to their assessed criminogenic needs?

< [Step 3: Review the evidence-based practice research on condition setting.](#)

[Step 5: Consider your Board's goals for condition setting and develop a shared statement for your purpose; convene working sessions to discuss: number of conditions, standard and special conditions, targeting for maximum risk reduction, and conditions for special populations of offenders.](#) >

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Step 5: Consider your Board's goals for condition setting and develop a shared statement for your purpose; and convene working sessions to discuss: number of conditions, standard and special conditions, targeting for maximum risk reduction, and conditions for special populations of offenders.

After Boards have engaged in the exercise of reviewing their own practice, they should come to a conclusion and develop a shared vision of what their new purposes in condition setting are.

With these goals in mind and having assembled good, descriptive information about current practice regarding setting parole conditions and evidence-based research in this area, Boards should consider the following:

- Is it appropriate to limit the number of standard conditions?
- Is it appropriate to consider a specific policy or routine practice of limiting conditions for low-risk parolees? If so, how might Boards do this?
- How might Boards change condition setting policies to assure that conditions link medium and high-risk offenders to interventions that would address their criminogenic needs?

Boards should convene a series of sessions to discuss and resolve the following:

- Are there some general conditions that could be eliminated without violating statutory expectations of the Board, and that would have no appreciable impact on public safety? Do Board members have the "authority" to eliminate some general conditions? If not, what steps would be required in order to modify general conditions?
- If some general conditions would be most appropriate for only particular individuals, is there authority to remove them as standard conditions and impose them only as may be appropriate in certain cases?
- In reviewing the method for imposing special conditions, what system processes or methods are used? Do these processes and methods tend to place

Some jurisdictions have reduced the number of general conditions to less than 10. The remaining conditions tend to involve some of the following areas:

- Prohibitions against committing new crimes/requirements to be law abiding
- Requirements to obey the instructions of parole officers
- Prohibitions against leaving the state without permission/agreement to waive extradition
- Prohibitions against possessing

more conditions on parolees than might reasonably be needed? How could these processes be further examined to assist the Board in imposing fewer special conditions?

- If special conditions are imposed by parole Board members at the time cases are reviewed, what guides the imposition of these conditions in particular cases? Do policies, standards, or procedures exist—or could they be developed—that would assist Board members in determining which special conditions to impose in which cases?
- For special categories of offenses (e.g., sex offenses), what efforts have been made to tailor the possible list of special conditions that are available to the facts and circumstances of each case? What else might be achieved in this area?

firearms

- Prohibitions against possessing controlled substances/illegal drugs

These succinct, standard conditions clearly set the expectation that the parolee be law abiding, guided by instructions from their parole officer, be "available" for supervision, and avoid clearly illicit behaviors (e.g., drugs or firearms possession of firearms).

[< Step 4: Develop a shared understanding of your Board's current condition setting practice.](#)

[Step 6: Develop a strategy to implement changes to condition setting policy and practice. >](#)

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Step 6: Develop a Strategy to Implement Changes to Condition Setting Policy and Practice

As part of the sessions undertaken in Step 5, or a separate working session, develop a list of changes that the Board, as a whole, feels should be made in the language of conditions, and the number and type of conditions that should be imposed in general or special situations.

After the Board has identified desired key changes to policy and practice—and has articulated the potential challenges of the implementation of these strategies—be sure to identify strategies that the Board will pursue in gaining buy in from key stakeholders and the mechanism(s) that will be used to move forward (e.g., committees, staff support, training, routine Board meetings, etc.) with this work.

Develop an "action plan" to implement agreed upon changes to the Board's policy and practice regarding the setting of conditions. [Click here](#) for a sample of what an action plan might look like.

[< Step 5: Consider your Board's goals for condition setting and develop a shared statement for your purpose; convene working sessions to discuss: number of conditions, standard and special conditions, targeting for maximum risk reduction, and conditions for special populations of offenders.](#)

[Step 7: Develop a plan to measure performance. >](#)

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Step 7: Plan to Measure Performance

A performance measurement plan involves developing the capacity to measure progress toward desired outcomes, continually tracking progress, and using information for improvement. Management of change—whether it is about condition setting, or any other aspect of the Board's work—requires:

- Feedback loops to determine whether the change has actually been implemented.
- Tracking certain data and information to determine whether the change is having the desired outcomes.

Feedback loops exist through regular review of offender files and staff discussions. In terms of monitoring performance, feedback loops begin with a review of the policies adopted, changes in lists of standard or special conditions, and formal goals for imposing certain conditions. Starting with the basics, "What did we say we were going to do and why?" and then responding after a review of corresponding practices can jump start the plan. The purpose of these practices is to contribute, in some way, to the performance of the agency overall. The routine collection of information on these practices—what conditions are set in what kinds of cases, in what numbers, across time—sets the stage for monitoring changes. One strategy is to form a performance management team or subcommittee to review policies and practices and report back on divergence or adherence. The team would be responsible for reviewing program elements and making recommendations for the implementation, monitoring, re-evaluating, and reporting of performance activities.

Data helpful to determining whether the changes experienced are desired changes include regular and timely screenings for criminogenic risk, types of cases under consideration, rates of reconviction and return to prison, and rates of technical violations and return to prison. A "checklist" for measuring progress toward completing the action plan is critical. Performance measures must be clear and specific to making condition setting decisions. [Click here](#) for a draft performance management checklist.

< [Step 6: Develop a strategy to implement changes to condition setting policy and practice.](#)

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Sample Documents

Below is a list of all of the sample documents that teams can use in their work to advance effective condition setting practice in their jurisdictions. Click on the respective links below to access each of these documents, which can be adapted to meet the needs of specific Boards.

[Condition Setting Presentation](#)

[Sample Agenda](#)

[Sample Action Plan](#)

[Sample Charter](#)

[Sample Performance Measurement Plan](#)

[< Step 7: Develop a plan to measure performance.](#)

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Agenda for State X's Working Group Meeting on Condition Setting

Participants

Participants for this session should include parole board members, representatives from executive parole staff, a sample of supervision agency leadership and field staff, and parole staff who will be responsible for collecting performance measurement or other quantitative information.

Goals of This Session

The board and other participants will develop a proposed list of changes that the Board, as a whole, feels should be made in the language of conditions, and the number and type of conditions that should be imposed in general or special situations.

Proposed Agenda

8:30 a.m. Call to Order, Introductions of all Key Staff

8:45 a.m. Evaluating our Current Approach to Condition Setting

- Consider the purpose, value, and objective of each condition. What is the condition intending to accomplish? Does the language used effectively convey the intended purpose of the condition? Do they present obvious difficulties for parolees—even those who are intending to be compliant?
- What are the general conditions that are typically imposed? How many conditions are imposed in a “typical” case?
- What are the special conditions that are generally imposed? Taken together with the general conditions, how many conditions might an offender typically face?

10:00 a.m. Break

10:15 a.m. Defining the Challenges Associated with Our Current Practice

What impact does the imposition of the current (potentially excessive) number of conditions have on our supervision practice?

- On offenders?
- On supervision staff and their ability to interact with clients (vs. simply monitor compliance?)
- On limited agency resources?

11:30 a.m. Lunch

- 12:30 p.m. Reviewing the Science: What do We Know About Evidence-Based Practices in this Area?
- Are there any potential downsides to reducing the number of conditions?
 - What would the anticipated positive impacts be of limiting conditions?
 - How might officers be able to more effectively use their time with offenders?
- 1:30 p.m. Break
- 1:45 p.m. Considering a Reduction in Supervision Conditions
- How would a reduction or streamlining of conditions affect agency practice?
 - What are the implications for staff time? Public safety considerations?
 - What would need to happen in order to statutorily effect change in this area?
 - What buy in (from staff, legislature, etc.) would need to be acquired in support of this effort? What outreach would the team need to do in order to educate others about the evidence-based practice in this area?
- 3:00 p.m. Break
- 3:15 p.m. Articulating Specific Changes to our Current Conditions
- Which conditions could possibly be eliminated?
 - Which conditions might be combined/streamlined?
 - Which conditions must remain?
 - Which populations of offenders might warrant a specialized set of conditions that can be applied selectively, depending on the risk and needs in a particular case?
- 4:45 p.m. Consider Topics for Next Meeting
- Finalizing list of general conditions
 - Establishing subcommittee to work on special conditions for certain populations of offenders
 - Workplanning on encouraging staff buy in and how to secure statutory changes
 - Establishing performance measurement subcommittee
- 5:00 p.m. Adjourn

Action Plan for Implementing Changes in Condition Setting

First, clearly identify specific change targets that were agreed upon at the conclusion of the board’s discussions on all earlier issues related changing condition setting policy and practice. Then for each issue, consider:

- What needs to be done to start implementing these changes?
- Is the issue at hand a long term issue or a short term issue? A short term issue is something that can be handled without additional resources or legislation, and that can be accomplished within six months. A long term issue requires more investment of resources, statutory changes or work over a longer period of time.

Short Term Issues

Short Term Issue (Example)	Indicate three things that need to occur in the next 30 days	Individual(s) Responsible	Due Date
Move toward a 90-day pilot of revised (fewer) general conditions on a limited number of caseloads.	<ol style="list-style-type: none"> 1. Select pilot caseloads 2. Share with pilot sites the literature and evidence the committee has assembled to encourage their buy-in 3. Convey clearly the expectations of each of the pilot caseloads for the 90-day pilot period (e.g., what is to be done with time that is anticipated to be saved? What performance measurement data will they be asked to collect?) 	Mary Smith (in conjunction with parole managers in pilot sites)	June 1, 2013

Long Term Issues

Long Term Issues (Example)	Indicate three critical changes that need to occur in the next six months in order to make substantial progress on the issue (for example, if resources, legislative changes, policy changes are required to make substantial progress, indicate necessary steps that must occur)	Individual(s) Responsible	Critical First Steps to be Taken	Due Date
<p>Secure authority to modify/reduce the number of general conditions from the legislature.</p>	<ol style="list-style-type: none"> 1. Develop "briefing packet" to present to legislature with key data about why proposed changes are recommended 2. Make presentation to legislature about anticipated impact and outcomes of changes to general conditions 3. Develop final list of conditions for approval/adoption by the board. 	<p>John Doe</p>		<p>July 15, 2013</p>

Sample Performance Measures Checklist

A performance measurement workgroup should be formed to address potential changes in order to support changes in condition setting practice. There are a number of ways in which a carefully constructed performance measurement system will prove useful. Performance information provides for:

- An objective way to account for activities and accomplishments over time;
- A method to quantify the cost/benefit of investments and allocate additional resources (or reallocate resources) as may be appropriate;
- An opportunity to identify and intervene with implementation problems (or potential problems) that can impede goal achievement if not addressed in a timely fashion; and
- Objective and specific data that can be used to report performance to staff as a means to further engage and motivate, and external stakeholders (e.g., funders, other vested parties) as a means to demonstrate the benefit of investments.¹

Information about the following indicators should be collected in order to provide quantitative support and to track the impact of any changes that are made with respect to condition setting. Boards should first document:

- Which standard conditions are eliminated.
- Which populations of offenders will be subject to special conditions based on their offense, risk, and need.

After the changes in conditions are implemented, collect information about offenders (categorized by assessed risk level and type of crime) that includes but is not limited to:

- Number/percent of offenders who are in compliance with new terms and conditions of supervision (comparison of number of revocations/violations with the same period last year/quarter).
- Number of revocations/violations in the current month/year/quarter (comparison of number of revocations/violations with the same period last year/quarter).
- Percentage of cases successfully completing parole in the current month/year/quarter (comparison of successful completions with the previous year/quarter).
- Number of parole violators violated for new offenses and/or technical violations where community-based sanctions were imposed.
- Number of parole violators returned to prison for new offenses and/or technical violations.
- Percentage of parolees revoked.
- Number of new offenses over time by offenders on parole.
- Number/percent of offenders who are violation free after one year on supervision.

Performance Management is a system of:

- ✓ Regularly measuring the results (outcomes) of initiatives,
- ✓ Using this information to increase efficiency and effectiveness in approaches or service delivery,
- ✓ Reporting important indicators of program operations and results.

Information about changes in supervision staff practice (e.g., time spent in face to face interactions with offenders vs. solely monitoring compliance) should also be collected in some way in order to assess the impact that such a fundamental shift may have on promoting positive changes in offender behavior.

¹ Source: "Measuring the Impact of Reentry Efforts," Urban Institute and the Center for Effective Public Policy, 2009. <http://cepp.com/documents/Center-for-Effective-Public-Policy-Coaching-Packets.pdf>, last accessed May 16, 2013.

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Links

The following organizations, websites and publications are helpful for obtaining specific guidance.

The [Center for Effective Public Policy \(CEPP\)](#) manages the [National Parole Resource Center](#), which has developed, among other resources, a series of five papers on parole entitled Parole Essentials: Practical Guides for Parole Leaders that address the specific challenges of paroling authorities. Each paper can be accessed below:

- [Core Competencies: A Resource for Parole Board Chairs, Members, and Executive Staff](#)
- [Evidence-Based Policy, Practice, and Decisionmaking: Implications for Paroling Authorities](#)
- [Paroling Authorities' Strategic Planning and Management for Results](#)
- [Special Challenges Facing Parole](#)
- [The Future of Parole as a Key Partner in Assuring Public Safety](#)

[National Institute of Corrections \(NIC\)](#) is an agency within the U.S. Department of Justice, Federal Bureau of Prisons. NIC also provides leadership to influence correctional policies, practices, and operations nationwide in areas of emerging interest and concern to correctional executives and practitioners as well as public policymakers. This is accomplished through the provision training, technical assistance, and policy/program development assistance to federal, state, and local corrections agencies. A key resource, the Robert J. Kutak Memorial Library, houses a specialized collection of corrections-related materials. The focus of the collection is on unpublished, operationally-oriented resources developed by correctional agencies for use by practitioners in the field.

[Association of Paroling Authorities International \(APAI\)](#) originated in the early 1970s at the urging of international parole colleagues with a strong interest in best practices and current issues surrounding conditional release, reentry into the community and public safety. Despite different parole legislation, policies and regulations, members – individuals and organizations from 38 countries – share the fundamental value in the belief of a person's ability to change and the conviction that gradual, supervised reintegration into our communities is an effective protection of public safety.

The [Association of State Correctional Administrators \(ASCA\)](#) has developed standardized definitions of key measures and uniform performance reporting implemented by approximately 26 states.

The [Georgia TPCI Policy Team Charter](#) presents a step-by-step overview for release decision making for parole Board subcommittee. The guide is available on pages 41-44 of the [Core Competencies: A Resource for Parole Board Chairs, Members, and Executive Staff](#) listed above.

The [Indiana Judicial Center](#) provides examples of special conditions for adult and juvenile sex offenders. A PDF version

of the *Indiana Recommended Special Probation Conditions For Adult Sex Offenders* is provided herein for reference.

The [Ohio Department of Rehabilitation and Correction](#) provides documents prescribed by the Adult Parole Authority such as relied upon in this guide, The *Conditions of Supervision DRC3019*.

[Pew Center on the States' Public Safety Performance Project](#), launched in 2006 as a project of the Pew Center on the States with a goals towards helping states advance fiscally sound, data-driven policies and practices in sentencing and corrections that protect public safety, hold offenders accountable, and control corrections costs. The publication referenced in this guide, "Putting Public Safety First: 13 Strategies for Successful Supervision and Reentry," resulted from two meetings with national experts on the topic of parole supervision hosted by Urban Institute in 2007. An excerpt from the full document is available [here](#).

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Acknowledgments

This resource package was edited by Peggy Burke, Project Director, and Leilah Gilligan, Project Manager, of the National Parole Resource Center (NPRC). Becki Ney, Richard Stroker, Paul Herman, and Stevyn Fogg of the Center for Effective Public Policy made significant contributions to this resource. The NPRC thanks the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance for its ongoing support.

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