



SETTING THE GROUNDWORK FOR CHANGE:

A Literature Review
of Community Supervision
in Minnesota and Nationwide

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Executive Summary



Community supervision is one of the most widely used forms of correctional control in the United States. In this report, we review the broad literature on the causes and consequences of this mass expansion of community supervision and connect the literature to our own conversations with Minnesotans living and working under supervision. We organize our report into six sections.

DEFINING COMMUNITY SUPERVISION

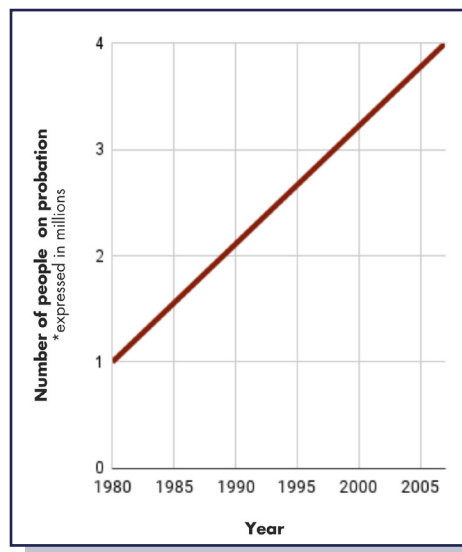
Community supervision encompasses different kinds of non-incarceration correctional control. Most research tends to focus on probation and parole. Throughout the 20th century, community supervision grew alongside other aspects of the U.S. criminal legal system, moving away from informal, volunteer-run efforts to more professionalized, bureaucratic agencies. Although often framed as a less punitive alternative to prison, community supervision is often both time-consuming and onerous. Scholars have argued that rather than serving as an alternative to prison, community supervision has actually produced a **net-widening effect**, expanding the surveillance and control of lower-level cases. Rather than serving as an alternative to prison or jail, community punishments tend to expand – rather than to decrease – the scope and scale of the existing system.

THE NATIONAL RISE

The number of people on probation grew from roughly one million in 1980 to over four million people at its peak in 2007, representing one in every 53 adults under some form of probation. As the number of people under criminal legal control increased, the dominant philosophy of the criminal legal system grew more punitive – prioritizing risk-management, incarceration, and control over rehabilitation. This punitive turn in community supervision drastically

increased the risk of being sent back to jail or prison. Recent estimates indicate that nearly half of 2017 state prison admissions were due to community supervision revocations, with one in four people revoked for noncriminal technical violations. Although the conflict between social worker and law enforcement remains a constant tension in probation and parole work, we still know little about what impact these broader shifts have had on the day-to-day decisions of individual officers or the offices they work in.

National Rise of Probation



INEQUALITY

Alongside its unprecedented growth, mass supervision is increasingly socially concentrated among impoverished men of color. A few recent studies also examine the relationship between supervision and broader inequality in health, education, employment and other areas. Like people behind bars, people under community supervision have a criminal record and face many of the same negative consequences and barriers. People leaving prison must also learn to navigate a complex web of agencies including parole, community-based services, and temporary housing facilities to survive, which only exacerbates the stress of poverty, breeds distrust of government agencies, and may even increase recidivism among the formerly incarcerated. A growing number of studies are disentangling the negative impacts on outcomes for those closely connected to the formerly incarcerated. Beyond just material struggles, this infiltration of the criminal legal system into everyday life also perpetuates psychological, caregiving, and other stresses for both communities and families.



1 in 4 people get revoked for noncriminal technical violations

STATE AND LOCAL DIFFERENCES

The structure and use of community supervision varies widely across U.S. states, depending on the structure of the state's sentencing system. In about half of U.S. states, probation departments are supervised by the Department of Corrections. The remaining states use a mix of state-level judicial agencies, local corrections, and judicial offices. As a result, states vary in their use of community supervision in comparison to jail and prison. States and local agencies also vary widely in how frequently they revoke community supervision for people who violate the technical terms of their release or commit a new crime. In Minnesota, Georgia, and Rhode Island, more than 85% of their total correctional population (including probation, parole, prison, and jail) are under community supervision. In Oklahoma, Nevada, and Virginia the percentage is 50% or less.

MINNESOTA

Despite its low use of incarceration, Minnesota has one of the highest rates of community supervision rates in the country, with roughly 92,000 people under some form of community supervision in 2022. Despite no parole board having released them from prison, people leaving incarceration do generally serve part of their sentence in the community. Minnesota's community supervision system includes three different delivery systems, each consisting of a different arrangement between the Department of Corrections and county agencies to provide probation and post-release supervision. These complex and diverse delivery systems have resulted in widespread inconsistencies and lack of uniformity in supervision practices across the state.

CONSEQUENCES

Given its heavy reliance on community supervision, Minnesota is a valuable site for researchers analyzing the impacts of mass supervision on the individuals, families, and communities caught in its wake. Long sentences and revocations are frequent challenges in Minnesota community supervision and evidence suggests that they inflate jail and prison populations and are both costly to taxpayers and harmful to public safety and wellbeing.

Minnesota's criminal legal system is also defined by stark inequalities for Black and Indigenous communities. Current systems increase precarity and uncertainty for people under community supervision, which previous studies suggest exacerbate inequality in mental and physical health conditions. For example, the unequal application of monetary sanctions has unevenly

affected Native Americans in non-metro counties, who already face concentrated poverty and lack of resources. Mass supervision in Minnesota may also be particularly unique in its role as a pipeline into coercive maintenance of people needing healthcare, support for addiction, and other resources. Given that probation often requires attending and completing drug or mental health treatment, parole officers (POs) are often responsible for monitoring a person's progress in these programs and view participation in such programming as critical to the success of supervision. Yet, many POs frequently report difficulties obtaining information from treatment programs, noting that such programs are often limited and they must actively search out program attendance and completion information.

Minnesota and other states across the country have made strides in implementing change. Recent efforts have included reducing sentence length, reducing disparities by race and tribal nation, changing state funding structures to create equitable funding for community supervision across Minnesota counties and tribal nations, establishing statewide standards and practices, and increasing consistency and predictability in decision-making across different jurisdictions. Researchers can serve as critical partners in ensuring that change efforts are effectively implemented in different jurisdictions throughout the state. Moving forward, researchers and community groups can also help increase transparency and accountability in community supervision, ensuring that policymakers, administrators, and other stakeholders follow-through on their implementation of a widespread overhaul.

*"If I'm gonna
be on paper
my whole life,
I'm never gonna
have anything."*



Community Supervision: Definitions and Historical Context

INTRODUCTION

Community supervision is one of the most widely used forms of correctional control in the United States (Phelps, 2020). As of 2020, one in 66 U.S. adults (nearly four million people) was under some form of community supervision (Kaeble, 2020; Phelps, 2020). In this report, we highlight key research findings on the causes and consequences of the historic rise in community supervision, now commonly referred to as mass supervision (McNeill, 2018). We examine the disparate impact of community supervision and describe state and local differences in both administration and outcomes. We then turn our focus to outlining the scope and scale of community supervision in Minnesota, examining both process and consequences.



The Minnesota Justice Research Center (MNJRC) is an independent, nonpartisan, nonprofit organization dedicated to driving meaningful change in Minnesota’s criminal legal system through rigorous and community-centered research, education, and policy development.

At the MNJRC, we recognize the power of community action. Throughout this report we connect the research and literature to the personal experiences of Minnesotans currently on community supervision, commonly referred to by many under supervision as being “on paper.” We also connect the research with perspectives from system actors and experts in the space. We examine how what we know relates to what people experience and ultimately seek to explore how, collectively, we can reimagine a system that delivers true support for people serving time in the community and ensure that community supervision also protects public safety.

DEFINING COMMUNITY SUPERVISION

Community supervision encompasses several different kinds of non-incarceration correctional control. While most would agree that it includes some form of punishment or sanction imposed outside of a jail or prison, community supervision can look very different depending on where a person lives. Everything from fine-based programs to day reporting centers, court-based electronic monitoring and community service, and sometimes even programs run by local jails are all included under the banner of community supervision (Phelps & Curry, 2017).

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Most research focuses on probation and parole: two common types of community supervision. Probation is often defined as a court-imposed penalty for a felony or misdemeanor conviction; in which people serve their sentences in the community as an alternative to incarceration. Parole or (supervised release¹) refers to a sanction given following a release from prison, and as such, people on parole tend to be convicted of more serious offenses (Petersilia, 2003). Typically following a prison sentence, parole or supervised release can be a legislatively mandated period of post-release supervision or a period of supervision imposed as a condition for early release from prison and granted by a state’s parole board. Parole boards typically consist of a small group of diverse stakeholders appointed by a state’s governor. The number of people who serve on the board,



1. In states without parole, many people released from prison nevertheless serve a portion of their sentences in the community, commonly referred to as supervised release.

the qualifications required, and the length of appointment varies from state to state. Some states have formally abolished parole boards (Ruhland et al., 2016). For probation, the agencies involved in setting conditions and determining release or revocation often vary by state – typically including a combination of court officials and the probation agencies that implement the legal guidelines enacted by the state’s legislature.

Early release can occur in other ways, such as earning a reduction in one’s sentence while incarcerated. These “good time” credits are used in several states and are typically implemented by prison and jail personnel, allowing people to reduce the time served on their sentence if they are in good standing with the incarcerating entity (Reitz, 2019). Some states also allow people to secure an early release from supervision by serving a portion of their sentence in the community, typically via participation in rehabilitation programs or other defined markers of compliance with supervision conditions (Minnesota Department of Corrections, 2017). Thus, “early release” can apply to those both in prison and out in communities under some form of supervision.

The time someone spends incarcerated or under a community supervision sentence is affected by decisions of prison, jail, and community corrections personnel. And in practice, the lines between community supervision and incarceration are often blurred, as people on probation often spend some time in jail (or prison) before release to the community (Taxman, 2012). Likewise, different forms of community supervision often are administered by the same agencies, meaning people on probation and parole are under supervision by the same officers and face similar demands (Klinge, 2013).

While often framed as a less punitive alternative to incarceration, people serving a sentence under community supervision often face a list of arduous restrictions and demands, financial obligations, and time constraints under the risk of reincarceration if they don’t comply (Doherty, 2016). Common requirements for people under community supervision include abstaining from drug and or alcohol use, avoiding contact with other people with felony records, paying court-ordered fines and fees, adhering to strict curfews, reporting regularly to a supervising officer, participating in required programming, finding or maintaining employment, and avoiding other people with criminal records - all while trying to reintegrate into society and meet their basic needs. People on supervision often experience such onerous conditions as extremely punitive, but supervision can also come with access to services such as drug treatment, healthcare, and other community services that may be unavailable otherwise (Phelps & Ruhland, 2021; Piehowski & Phelps, 2022).

A community supervision sentence also comes with the looming threat of going back to prison or jail if one fails to satisfy the requirements of supervision or commits a new crime, known as a revocation. Technical violations occur when a person violates a condition of their supervision, such as failing a drug test or not meeting frequently enough with a supervising officer. Technical violations may not always result in revocation of community supervision, but revocation decisions for such violations are often made by probation officers and parole agencies or boards, rather than by a judge after a court hearing, making returns to incarceration faster and easier (Doherty, 2016; Hannah-Moffat & Yule 2011; Werth, 2016). Even during a full criminal court hearing, individual parole and probation officers typically carry considerable weight in the judge’s decision of whether someone gets sent back to jail or prison.

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Revocations of community supervision are a frequent and widespread issue in many states (Phelps, 2020; Phelps, Dickens, & Beadle, 2023). In probation and parole, each officer typically has unlimited discretion whether to seek revocation by filing a motion with the court. This sets a court hearing, during which a judge makes decides whether to incarcerate, extend the length of sentence, or



add more conditions to the current supervision. However, such revocation hearings do not typically have the same protections for the person's legal rights, such as the right to be represented by an attorney during the hearing and other protections available in regular criminal proceedings. Revocation hearings also usually require less evidence from the prosecution that a violation has occurred, and judges often follow the recommendations of probation and other supervising officers (Doherty, 2016; Werth, 2016).

Because of these obligations and risks, although often framed by the public as a "slap on the wrist," community supervision is often time-consuming and onerous for the many people placed under supervision (McNeill, 2018; Phelps & Ruhland, 2021). In fact, survey evidence suggests that some people actually prefer short stints in jail or prison over a period of probation or other supervision in the community (Armstrong & Weaver, 2013; Petersilia, 1990). Community supervision also coincides with stints of incarceration, and is not used solely as an alternative to jail or prison (Doherty, 2016; Duwe & Clark, 2017). Yet, serving time on probation and parole can also provide access to healthcare, drug treatment, and other rehabilitative services (Phelps & Ruhland, 2021). This cycling between coercion and care, punishment and rehabilitation, and time spent in confinement and the community has defined supervision since its inception.

EARLY HISTORY OF COMMUNITY SUPERVISION

The rise of modern community supervision in the U.S. occurred at the turn of the 20th century, during the intense social and political reforms of the Progressive Era. Supervision in the community was touted by Progressive reformers as a necessary and useful alternative to imprisonment, reflecting the guiding principles of the time that the government should play a greater role in rehabilitating—rather than simply punishing—people convicted of crimes (Garland, 2012). Community supervision was intended as an alternative to the often brutal and dehumanizing prison conditions - an effort to do less harm. The overarching goal of the criminal legal system was to also change and reform someone into "a different and better person," reflecting a resolute faith in the idea that criminal law could be used to change people's morals and behavior (Allen, 1981).

This cycling between coercion and care, punishment and rehabilitation, and time spent in confinement and the community has defined supervision since its inception.

Throughout the 20th century, community supervision grew alongside other aspects of the U.S. criminal legal system, moving away from informal, volunteer-run efforts to more professionalized, bureaucratic agencies² with staff trained in the "diagnosis and treatment of criminal offending" (Blomberg & Lucken, 2002). This Progressive Era strategy of combining science and government intervention for rehabilitation continued to guide American corrections through the 1960s (Allen, 1959; Rothman, 2002). Alongside this medicalized rehabilitative model, many states instituted parole boards to set the terms and conditions of release from prison (Reitz, 2019).

These early rehabilitative efforts fell short because criminal legal system processes in this country are and have always been undergirded by historical and pervasive racial and economic injustices (Hinton & Cook, 2021). For example, Geoff Ward (2012) demonstrates how racism and racial politics were critical to the development of another Progressive era invention: a separate juvenile criminal legal system. To our knowledge, no research has specifically investigated how racism shaped the development and maintenance of early probation and parole systems.

Research has demonstrated that early rehabilitation efforts included everything from physical beatings and long-term isolation to drastic medical and behavior modification techniques (Allen, 1981; Goodman et al., 2017). Although probation and parole agencies embraced an ideal of rehabilitation both inside and outside of prison, the reality of these programs looked quite different, representing a "patchwork of sometimes contradictory (and virtually always competing) impulses, visions, and practices" (Goodman et al., 2017, p. 93), as states and the federal system adopted various policies and approaches under the broader banner of rehabilitation (Campbell & Schoenfeld, 2013; Goodman et al., 2017)

2. Today, many U.S. probation and parole agencies use the term "community corrections" to emphasize a rehabilitation framework (Phelps & Curry, 2017).

By the 1960s and 1970s, probation and parole systems were more established and bureaucratic with rehabilitation (in its many different forms) as the guiding principle. Around this time, researchers and policymakers began to question whether probation and parole truly served as alternatives to imprisonment. Scholars argued that probation and parole instead produced a net-widening effect, expanding the surveillance and control of lower-level cases, rather than diverting people from prison (Blomberg, 1977). Pointing to the simultaneous rise in incarcerated and community supervision populations in many states, U.S. researchers warned against the effect of this new form of criminal legal control in expanding and exacerbating—rather than decreasing—the scope and scale of the existing system (Blomberg, 1977; Cohen, 1985).

These two foundational questions of early community supervision—its role in furthering both inequality in and potential expansion of criminal legal control—have become critical to understanding the rise of mass supervision in the United States. Only in the past decade or so have researchers begun to truly understand the growth and unique impacts of mass supervision, including how it reflects and exacerbates racial, class, and other forms of inequality in the United States.

The National Rise of Mass Supervision

THE PUNITIVE TURN

From the 1970s to the early 2000s, incarcerated populations grew sevenfold, reaching nearly 2.2 million people held in prison or jail in 2012 (Travis, Western, & Redburn, 2014). Community supervision mirrored this explosive growth. From 1980 to its peak in 2007, the number of persons under some form of probation grew from roughly one million to over four million people, representing one in every 53 adults at its height (Phelps, 2018).

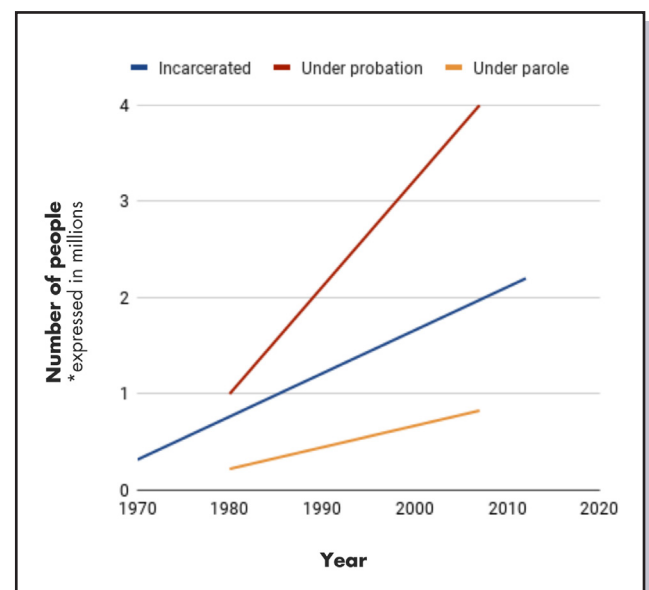
During this same period, parole populations grew from 220,400 to 826,100 adults (Oudekerk & Kaeble, 2019). Such swift growth and wide expansion of the U.S. criminal legal system have heavily influenced U.S. families and communities, with more than 45% of Americans having experienced the incarceration of a family member by 2018 (Enns et al., 2019).

As the number of people under criminal legal control ballooned, the dominant philosophy of the criminal legal system grew more punitive—prioritizing risk-management, incarceration, and control over rehabilitation (Campbell & Schoenfeld, 2013; Garland, 2001). This punitive turn also included increased enforcement, surveillance, and prosecution of lesser (or misdemeanor) offenses (Kohler-Hausmann, 2018; Natapoff, 2018), ensnaring more and more people with disabilities—as well as those facing homelessness and addiction—in the criminal court process (Beckett & Herbert, 2009; Ben-Moshe, 2020).

In this context, the focus of community supervision shifted from a clinical model of assessment and treatment to surveillance and risk management, using assessment tools and technologies to classify, sort, and surveil people based on a calculation that attempted to measure the risk of reoffending and could trigger incarceration for those deemed a threat to community safety (Feeley & Simon, 1992). During the 1990s, both the rise of electronic home monitoring technology, like ankle bracelets, and the development of Intensive Supervision Programs (or ISPs) increased the intensity and requirements of supervision. As such, probation and parole authorities began framing community supervision as tough and continued

National Rise in Correctional Control

* expressed in millions



punishment—increasing its requirements and, as a result, the inability of people to meet those requirements. As one Minnesotan on community supervision notes, **being on supervision is like being “kidnapped.”**

A central part of this punitive turn is that probation and parole are now often riddled with costly fines and fees for such things as monthly supervision, electronic monitoring equipment, drug testing, and in some cases, treatment and specialized assessments (Harris, 2016; Jacobson et al., 2017; Ruhland, 2021). For example, one Minnesotan on community supervision describes their fees noting, “I’ve paid for, the supervision fee was \$350. The transfer fee was \$250. When I got out, the DOC or my agent, excuse me, had monitoring software that she required me to use and it was \$33 per device per month. So, I was paying almost \$70 a month to have a laptop so I could apply for jobs and a phone. And then polygraphs for \$350 apiece and that’s as many times as your agent wants you to take them. ...” Nonpayment of such punitive fines and fees, known as legal financial obligations (LFOs), can sometimes result in a violation and potential revocation of community supervision and a return to jail or prison. Some research suggests that an overreliance on LFOs may actually increase, rather than decrease, recidivism³ and exacerbate monetary debt in already struggling families and communities (Friedman & Pattillo, 2019; Harris, 2016). A recent study of individuals on probation finds that people who are assessed higher fees are significantly more likely to be revoked while on supervision for either a technical violation or new crime (Ruhland, Holmes, & Petkus, 2020).

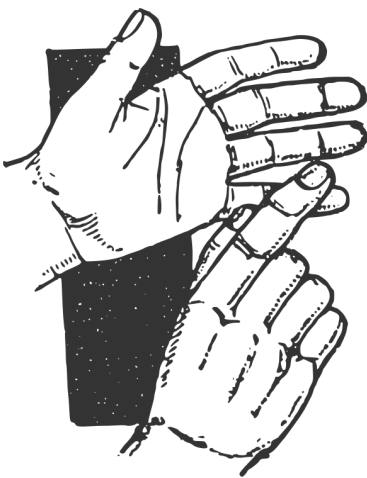
*“I’ve paid for... the supervision fee was **\$350**. The transfer fee was **\$250**. When I got out, the DOC or my agent, excuse me, had monitoring software that she required me to use and it was **\$33** per device per month. So, I was paying almost **\$70** a month to have a laptop so I could apply for jobs and a phone. And then polygraphs for **\$350** apiece and that’s as many times as your agent wants you to take them.”*

By the peak of the U.S. probation population in 2007, mass supervision had taken hold alongside mass incarceration in the United States. Only in the past few decades have some states begun to roll back this unprecedented growth. Many of the current policy changes and much of the activist organizing in criminal justice has centered on incarceration and police violence. However, a new movement is emerging among advocates, researchers, philanthropists, and politicians to take more seriously the role of community supervision in expanding and exacerbating harm in an already extremely punitive criminal legal system (Phelps, 2020). In this context of increased concern among activists and policymakers alike, researchers are only just beginning to disentangle the unique causes and consequential effects of mass supervision (McNeill, 2018).

MASS SUPERVISION AND CRIME

Experts in mass supervision connect its widespread growth to enhanced criminal penalties, tougher prosecution, and punitive sentencing, rather than solely to an increase in crime rates, similar to the rise of mass incarceration (for a review of probation see Phelps, 2020). As incarceration and supervision systems expanded, violent crime rates did not always mirror these trends (Pfaff, 2017). For example, statistical analysis of victimization surveys finds that the incidence of many violent crimes began decreasing in the 1970s (Lauritsen, Rezey, & Heimer, 2016), with a steady drop in violent crimes across the U.S. in the 1990s (Sharkey, 2018). There is a tentative consensus among researchers that increasing prison populations did play at least a small role in the decline in crime during the 1990s (Travis et al., 2014) and a growing number of historical case studies point to the importance of violent crime in the development of punishment politics in some places (Forman Jr., 2017; Fortner, 2023; Miller, 2016).

Yet, we still know very little about the relationship between differences in time and place in community supervision rates and crime patterns. A recent analysis using incarceration, supervision, and crime data⁴ from all



3. More research is needed to determine if there is a direct causal link between legal financial debt and increased recidivism, or if the relationship can be explained by other factors unaccounted for in previous studies.

4. It should also be noted that national crime data sources in the U.S. are measured by arrests and victimization surveys. Such tools are imperfect measures of actual crime since these data tools are reliant on reports to police and self-reported criminal victimization.

50 states finds little support for the proposition that community supervision has either decreased crime or diverted people from incarceration over the past 40 years (1980-2019). Looking at national trends, the authors find an association between an increase in the parole population in one year and an increase in violent crime⁵ the following year. However, they find no statistical linkage between so-called index crimes⁶ and rates of community supervision (Lopoo, Schiraldi, & Ittner, 2023).

Interestingly, their results show that even amid intensive reforms and declining supervision populations in the past few years, the number of people under community supervision has actually grown when compared to numbers of reported crimes. This suggests that, across the United States, efforts to reduce supervision rates do not mirror the substantial declines in crime rates that have occurred over the last several decades (Lopoo et al., 2023). Of course, this does not diminish the importance of significant declines in both community supervision and crime rates that have occurred in some jurisdictions that have implemented significant policy reforms to reduce the intensity and length of supervision.

The results of these studies provide continued support for the proposition that community supervision tends to serve as a net-widener, increasing the number of people under criminal legal control. Increases in probation, parole, and total supervision rates were positively associated with incarceration rates in the following year. In other words, incarceration and community supervision feed into and expand one another, rather than providing meaningful diversion from jail or prison. More research is needed into the relationship between community supervision, crime, and incarceration, both over time and in different places. Current data on community supervision practices is also lacking. For example, Phelps (2020) warns against state-by-state comparisons using existing data, given its underestimation of misdemeanor convictions and other limitations.

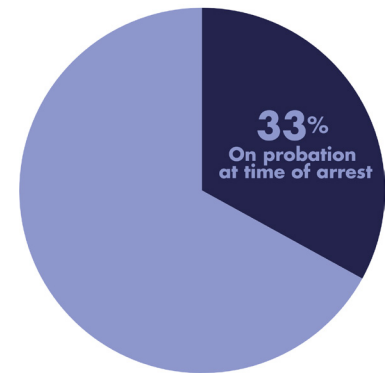
On average, roughly 1 in 8 people under supervision are incarcerated for technical violations.

Nearly 140,000 adults were in state prison for noncriminal technical violations alone in 2016.

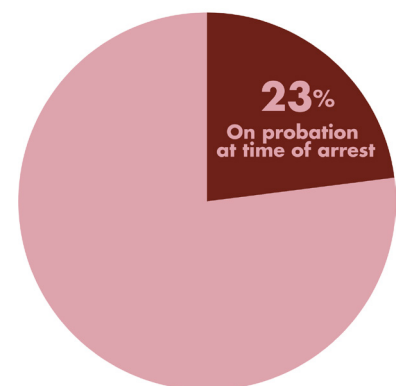
The punitive turn in community supervision increased the risk of being sent back to jail or prison for a violation (Lopoo et al., 2023). Surveys of prisons from the 1990s found that nearly half (45%) of respondents reported they were on probation or parole at the time of their arrest (Caplow & Simon, 1999; Petersilia, 2003). In the 2000s, 33% of the nation's jail population and 23% of the nation's prison population were on probation at the time of their arrest (Phelps, 2018). Recent estimates from the Council of State Governments indicate that nearly half of 2017 state prison admissions were due to revocations of community supervision, with one in four people revoked for noncriminal technical violations, such as failing a drug test or missing an appointment (Council of State Governments Justice Center, 2019).

A recent study examining state trends over time (1979-2016) challenged these findings, finding that people incarcerated for technical violations alone are roughly one in eight people on average (Phelps et al., 2023). Phelps and colleagues (2023) used prison population figures, rather than admission data, making their estimates less susceptible to year-to-year changes and capturing trends over the entire period of the prison boom (not just a single year). Breaking down these community trends over time and across states, the findings demonstrate that technical violations are a significant driver of prison populations. Nevertheless, nearly 140,000 adults were in

Jail population in the 2000s



Prison population in the 2000s



5. Violent crimes include murder and nonnegligent manslaughter, rape, robbery, and aggravated assault (with a weapon).

6. Index crimes include willful homicide, forcible rape, robbery, burglary, aggravated assault, larceny over \$50, motor vehicle theft, and arson.

state prison for noncriminal technical violations alone in 2016. Although researchers are still working to understand the causes of both mass supervision and mass incarceration, these brief examples suggest that, alongside crime rates, increased surveillance and punitive measures make up the backbone of U.S. community supervision.

IMPACT ON AGENCIES AND OFFICERS

We also know far less about the impact these broader shifts in community supervision have had on probation and parole officer decision-making. Lynch (1998, 2000) shows how one parole office in Washington faced pressure from upper-level management to implement risk-assessment and surveillance tools, de-emphasizing more traditional, social-work-oriented approaches and face-to-face interactions between agents and parolees. Yet, paradoxically, in the face of public pressures to work “as front-line warriors in the battle against crime” (Lynch, 1998), parole officers typically adopted a more traditional law enforcement approach, relying on their own investigative techniques and frequent interactions with parolees to assess risk (Lynch, 1998). This law enforcement approach is felt in our local community. As one Minnesotan on community supervision notes, “That name ‘parole officer’ has a historical negative meaning for our community, which takes away trust in the beginning.” Another explains, “‘Parole officer’ is drenched with decades and decades and decades and decades and decades of oppression in our community. So, it’s a trigger word for me.”

This conflict between social worker and law enforcement remains a constant tension in probation and parole work (Phelps & Ruhland, 2021; Welsh, 2019; Werth, 2013, 2016), with recent studies highlighting the emotional strains on parole officers of navigating these everyday tensions (Maier, Ricciardelli, & Norman, 2023). Research into a California parole agency found that many field officers endorsed a “tough love” approach with clients—combining rehabilitation with more punitive approaches, like using surveillance and the threat of revocation to keep parolees in line (Werth, 2013). Although parole officers did provide access to assistance resources like substance abuse or anger management programs, such opportunities were typically initiated by parolees themselves and officers were rarely proactive in securing rehabilitative opportunities for parolees.

Saddled with heavy caseloads, competing job performance indicators like frequent visits with parolees and completing paperwork, parole officers were able to prioritize little else. Werth (2013) also notes that parole officers were frequently “aware and concerned about the potential for negative attention from the media” and that this coincided with concerns about backlash from leadership (p. 234). Like Lynch’s (1998, 2000) earlier examples, Werth’s (2013, 2016) research demonstrates the need to pay greater attention to what the implementation of community supervision policies looks like on-the-ground. Like risk management approaches, other innovations in community supervision policies and practices could also be met with resistance and subversion or recast to fit the goals and needs of specific supervision agencies or agents.

Werth (2013, 2016) and other research that centers on those who work in probation and parole demonstrate a lack of scholarly understanding of how the conditions of community supervision shape differences in revocations and other outcomes. For example, caseload sizes vary across offices and officers and, at the department level, leadership-set hiring and promotion guidelines vary, as do standards for revocation and the role of supervision in shaping department culture (Taxman, 2012). Few studies have examined caseloads and workplace conditions nationwide. A 2006 survey of roughly 200 officers across the U.S. found that, on average, officers manage a caseload of roughly 100 people (Demichele, 2007). However, caseload size likely varies by the characteristics of the officers’ caseload. For example, many departments supervise fewer people because those they supervise are assessed as high-risk or special in some other way (i.e., sex offenses, drug court participants, mental health needs) and are often under more intensive supervision.

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Yet, little research has tackled outlining this organizational structure or the evolution of probation and parole departments in the era of mass supervision. What studies have been done have focused on parole agencies, noting that departments often operate in unique ways that are correlated with broader political, economic, and other

social conditions. For example, neighborhood conditions such as levels of concentrated poverty, social services available, and voting patterns are all correlated with parole revocation rates (Grattet, Petersilia, & Lin, 2008; Hipp, Petersilia, & Turner, 2010). Likewise, even within single offices, probation and parole officers vary in their supervision styles and goals, which variations influence the day-to-day assistance and decision-making processes of these officers in responding to violations (Phelps, 2020).

Significant work remains for researchers to understand how the broader political and social shifts during the prison boom have impacted the ways in which probation, parole, and other supervision agencies operate today. One clear omission is the study of the influence of community supervision agencies and individual officers on their local court communities. Probation and parole officers maintain close professional relationships with local prosecutors and judges, including providing essential court documents like presentence investigation reports, which help guide judges in their sentencing rationales in felony and serious misdemeanor cases in Minnesota and in several other states. Yet, studies rarely investigate the potential ways that the community supervision officers and court actors interact during such decision-making.^{7,8}

Social Concentration of Mass Supervision

Alongside its unprecedented growth, and reflecting the social concentration of mass incarceration, mass supervision is socially concentrated among impoverished men of color (Phelps, 2018; Phelps, 2020). At its peak in 2007, one in every 21 Black adults (one in 12 Black men) was on probation at the end of the year, compared to the national average of one in 53 adults. Parole is even more socially concentrated, with one in every 85 Black adults on parole compared to a national average of one in 277 adults of all races in 2007 (Phelps & Curry, 2017). Using survey data from the National Survey on Drug Use and Health (NSDUH) from 2016 and 2017, Phelps (2020) estimates that Black and Hispanic men with low levels of education face the highest risk of experiencing probation supervision. Likewise, lifetime prevalence estimates suggest that 46% of Black men aged 24-32 and without a high school diploma have been on juvenile and/or adult probation at some point in their lives, compared to 15% of all adults in the same age range (Lerman & Weaver, 2014).

These racial and class disparities are more pronounced when looking at the likelihood of revocation and of being sent back to prison or jail while on supervision. Using a similar dataset from the NSDUH and combining it with probation and jail data from the Bureau of Justice Statistics, Phelps (2018) demonstrates that adults who reenter jail or prison after failing probation are much more likely than probationers in the community to be Black men without high school diplomas (Phelps, 2018, p. 44). Drawing on previous research documenting that more privileged adults tend to have an easier time completing supervision requirements, like attending appointments on time, interacting positively with and deferring to probation officers, and paying fines and fees (Doherty, 2016), Phelps (2018) contends that probation may serve as a more effective prison alternative for relatively advantaged probationers, while it likely functions more as an additional strain on more marginalized probationers and “a stepping stone to further criminal justice control” (p. 46).

Researchers are still determining whether racial and class disparities in community supervision are related to differential criminal conduct, police contact, or bias on the part of probation and other court officials. However, there is robust evidence that young men of color face a cascade of cumulative disadvantage throughout their

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7. For a recent exception, see Mitchell et al.'s (2020) analysis of prosecutor perspectives and practices related to probation in Ramsey County, Minnesota.

8. For a dated example, see George Bridges and Sara Steen's (1998) analysis of presentence investigation reports of juvenile probation officers in Washington state. They find that Black youth are more likely to be described in these reports as “fully capable” of committing their offenses than are white youth.

lives that results in both differential exposure to and differential treatment by the criminal legal system (Kurlychek & Johnson, 2019; Kutateladze et al., 2014). The concentration of mass supervision in poor communities of color has implications for broader social inequality in the United States. Yet, although a growing and increasingly sophisticated body of research has outlined both the social determinants and the broader consequences of mass incarceration, few studies have examined how mass supervision impacts individuals, families, communities, and the broader society.

A few recent studies point to the importance of the relationship between experiencing supervision and broader inequality in health, education, employment and other areas of life. For example, people on probation die at a higher rate than people in jail or state prisons or in the general population (Wildeman, Goldman, & Wang, 2019). Another study using this same NSDUH survey data shows that simply being on community supervision is correlated with worse health: adults on probation are more likely to report substance abuse disorders, chronic health conditions, and disabilities than is the general population (Winkelman et al., 2020). Even more recently, survey data following adolescents over time finds that probation is an essential driver of poor self-rated health and chronic conditions for Black Americans when compared to either white or Hispanic Americans (Niño et al., 2023).

Mental health needs among people on community supervision are also elevated, especially among women, who are almost twice as likely as women in the general population to have a mental illness (Center for Behavioral Health Statistics and Quality, 2012). Despite such widespread medical needs, a recent study also demonstrates that, even though the Affordable Care Act [Obamacare] has narrowed this gap, probationers are still less likely than the average American adult to have health insurance coverage (Knapp et al., 2019).

Taken as a whole, this growing body of research demonstrates that mass supervision has likely had meaningful effects on society, communities, families, and individuals. Although researchers are still in the earliest stages of understanding the unique consequences of mass supervision, studies of people with criminal records (including those under supervision) offer some key insights into the struggles and difficulties associated with criminal legal contact.

CARCERAL CITIZENSHIP

Like people behind bars, people under community supervision are marked with a criminal record and face many of the same negative consequences and barriers to employment, to voting and political participation, to access to housing and to public assistance (Kirk & Wakefield, 2018). As one Minnesotan on community supervision describes it, “The door’s not all the way open, like the door’s half open. Like, I’m being released to society. But there’s still these things that are like, kind of like holding me back. ...” In fact, there are some forty-five thousand federal and state laws that regulate the lives of people with criminal convictions (Miller, 2021) and can dictate where and with whom they can live, where they are allowed to work, whether they can live in public housing or access other services, whether they retain their parental rights, and whether they can vote.

Some historians even contend that the unwieldy expansion of criminal legal control has both fundamentally changed the social, civic, and economic participation of people with records and impoverished communities throughout the history of the United States (Alexander, 2012; Hinton & Cook, 2021; Muhammad, 2011). Today, researchers contend that people with criminal records experience a distinct form of political membership, known as ‘carceral citizenship,’ that comes with its own restrictions, duties, and even “perverse benefits” (Miller & Stuart, 2017).

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Carceral citizenship is defined not only by its many restrictions, but by the fact that “carceral citizens” are also required to pay debts to society, both material and symbolic, often while still under supervision. These societal debts include monetary debts such as court-ordered fines, fees, and restitution but also more ambiguous, moral imperatives to “give back” to society by participating in counseling, community service, and reentry programming, and by shouldering restrictions that are not required of conventional citizens (Gurusami, 2017). At the same time, carceral citizenship can also include access to more rehabilitative and caring services reserved for people who have been convicted of a crime, including healthcare and housing access through public and private organizations, prisoner reentry programs, prison-specific social services, and counseling and other court-ordered programming (Miller & Stuart, 2017).

However, access to goods and services via carceral citizenship is often experienced in ways that are punitive, degrading, and traumatizing. For people on probation, this can be access to no more than ‘barebones’ drug treatment and other welfare services, while potentially navigating degrading treatment by probation officers, extensive financial and time constraints, and the constant threat of revocation and return to prison or jail (Phelps & Ruhland, 2021). A recent analysis of people being transported from court and jail to electronic monitoring supervision in Cook County, Illinois, highlights how treatment by sheriff’s officers included verbal threats of increased jail time or violence, forced waiting and unnecessary delays, and other dehumanizing and infantilizing treatment during what is supposed to be a simple transport process (Eife & Kirk, 2021). Although some probationers and parolees report positive interactions with their parole officers (POs), such positive evaluations are typically exceptions rather than the rule (Phelps & Ruhland, 2021; Welsh, 2019).

People leaving prison⁹ must learn to navigate a complex web of agencies, including parole, community-based services, and temporary housing facilities in order to survive (Halushka, 2020; Miller, 2021; Western, 2018). Facing already limited means, navigating the different agency rules and regulations only exacerbates the stress of poverty, breeds distrust of government agencies, and may even increase recidivism among the formerly incarcerated (Halushka, 2020). Formerly incarcerated women may be especially reliant on public transit, making it more difficult to get from place to place to attend programs, attend PO appointments, pay LFOs, and secure housing and employment (Northcutt Bohmert, 2016). In the absence of a healthy social welfare system in the United States, mass supervision essentially traps people on community supervision in poverty while forcing them into a coercive pipeline to access life-sustaining resources (Halushka, 2020; Phelps & Ruhland, 2021).

Research that has monitored people under supervision over time reiterates these challenges, while highlighting the current limits of supervision agencies and supportive programs to assist probationers and parolees to obtain meaningful employment, stable housing, and better livelihoods that could decrease future involvement in crime. For example, after following formerly incarcerated men, Miller (2021) argues that staff in service programs geared towards justice-involved adults and juveniles often encourage the formerly incarcerated to focus on changing their mindset and making “better choices,” while ignoring the structural causes of crime and inequality.

These cash-strapped and understaffed human service agencies—including prison reentry organizations—are located primarily within the many impoverished communities that those in reentry call home. As a result, current reentry and other social programs are unable to address the complex and varied needs of the people they serve, much less meaningfully address the harms and inequality exacerbated by concentrated poverty, unemployment, and the other structural problems the formerly incarcerated face. Formerly incarcerated community members’ health and wellbeing is more dependent on support from others in ways that are different from the general population. In particular, family members become critical lifelines for those in reentry as they navigate the afterlife of mass incarceration (Miller, 2021).

Taken as a whole, this research demonstrates that having a criminal record entails its own personal costs and consequences which, when combined with the requirements and restrictions of community supervision, form their own unique and intense form



*“My mind will be
a lot freer.”*

9. Most research is done on formerly incarcerated men, though studies of women and queer experiences are becoming more common (Kerrison, 2018; McKim, 2017; Northcutt Bohmert, 2016; Welsh, 2019).

of punishment. As one Minnesotan on community supervision describes, if he was able to get off of supervision, “My mind will be a lot freer.” While most of the literature on the stigma and consequences of crime have focused on felony records (and people leaving prison), even misdemeanor (low-level) offenses may entail strict penalties (Kohler-Hausmann, 2018), affecting an individual’s ability to obtain and maintain stable housing, succeed on the job market, and even how people access and interact with social services. The reach of these consequences and constraints can spread throughout families and neighborhoods.

IMPACT ON FAMILIES AND COMMUNITIES

Much of what we know about the corrosive impacts of the long reach of the criminal legal system on families and communities is related to imprisonment. A growing number of studies are disentangling the negative impacts on employment, on education, and on emotional and health outcomes for those closely connected to the formerly incarcerated. For children, parental incarceration exacerbates and adds additional forms of disadvantage during every developmental stage of childhood, from infancy through adolescence (Wakefield & Wildeman, 2013). A growing body of research demonstrates that the harmful effects of imprisonment can extend to families in other ways, from poverty to mental and physical health conditions to social stigma (Kirk & Wakefield, 2018). Furthermore, Minnesotans experiencing community supervision have described the challenges of reconnecting with family and transitioning back into their communities as some of the specific challenges of community supervision. As one person explains, “So I can’t actually bond, I can’t create bonds with any of my family right now because of the restrictions.”

Even low-level criminal legal contact, like short jail stays and community supervision, exacerbate the financial, emotional, and physical hardships that disrupt and destabilize poor families of color (Comfort, 2016). As Comfort describes, “Frequent low-level criminal justice involvement through forms of arrest, jail stays, and community supervision imposes specific forms of stress on family members ... [t]his manifests not only in the emotional pain of watching a loved one suffer, but also in ... investing time and resources to move a process forward under the ever-present threat of skidding back to zero” (Comfort, 2016).

“So I can’t actually bond, I can’t create bonds with any of my family right now because of the restrictions.”

Beyond material struggles, this infiltration of the criminal legal system into everyday life also perpetuates psychological, caregiving, and other stresses for both communities and families (Comfort, 2016; Eife & Richie, 2021; Miller, 2021). For people leaving prison, parole and reentry can have major impacts on family dynamics and social support networks (Harding, Morenoff, & Wyse, 2019; Western, 2018). As one Minnesotan on community supervision notes, “Seems like there is more emphasis on getting people into the workforce ... than some of the other parts, like reconnecting with family. You spend all this time away and then they want you to put all of your energy into working in a factory. It doesn’t consider you have to get to know your family again and that isn’t easy to do in short interludes.” Family members (and especially Black women and other women of color) play a key role in caring for their loved one—a twenty-hour-a-day job of managing daily travel, setting and attending appointments, and accessing safe and reliable housing, among other needs (Comfort, 2016). These attempts to cultivate a more stable life are often destabilized by frequent arrests, short bouts of confinement, and court appointments (Comfort, 2016; Eife & Richie, 2021).

Children are also likely negatively affected when their parents are on probation or other forms of community supervision. One study of mothers under supervision showed how parenting was riddled with challenges, like earning enough income to meet a child’s basic needs and health issues, while navigating the potential loss of custody with little or no support in navigating these difficulties (Sissoko & Goshin, 2019). Research also suggests that juvenile probation has unique consequences for families and community members, with probation officers routinely relying on parents (to help enforce probation goals and rules), teachers (who call probation officers for classroom disruptions), and youth violence outreach mentors. One Minnesotan who experienced community supervision as a juvenile described aspects of her supervision requiring her to “follow everything my parents say.” This can lead to significant challenges for young people with fractured parental relationships and, in this case, the young woman’s own mother called her Parole Officer, resulting in a violation and return to incarceration.

Ironically, to date there are few known studies of the impacts of mass community supervision on the community itself (Phelps, 2020). Continued research is necessary to outline and address the family and neighborhood effects of community supervision, including the potential ramifications for racial and class inequality in the United States. A small but growing number of studies suggest that mass supervision has detrimental effects on both families and entire neighborhoods. These negative impacts are likely separate and distinct from those found connected to aggressive policing, hyper-criminalization, and mass incarceration (Phelps, 2020). Moving forward, this research can assist future policymakers and organizers in cultivating meaningful solutions to address the harms caused by mass supervision.

State and Local Differences in Community Supervision

Differences in Probation Structure and Administration

Of course, the national story of mass supervision presented above hides some key differences between states and local jurisdictions in the scale and impact of community supervision and other forms of criminal justice contact. For example, the structure and use of community supervision varies widely across U.S. states. These differences affect factors such as sentence length, release and revocation decisions, and the experiences of people under supervision. In some jurisdictions, probation is administered by a single state agency; in others, the process is entirely decentralized. In 2015, more than 460 separate state, county, or court probation agencies reported data to the Bureau of Justice Statistics (Kaeble & Bonzcar, 2016).

To add to this complexity, states also vary in the branch of government they use to oversee probation. In about half of U.S. states, probation departments are supervised by the executive branch in the form of the Department of Corrections, while the remaining states use a mix of state-level judicial agencies, local corrections officials, and judicial offices. Practices also vary widely depending on the structure of a state's sentencing systems. Minnesota, for example, uses both state and local agencies (Phelps & Curry, 2017).

Parole Releasing Authorities and Release Predictability

Administration is a bit more consistent among parole and post-release supervision agencies, which are typically housed in the state's Department of Corrections (DOC). However, the structure of parole release varies by state which, among other factors, depends on the extent to which the state still relies on parole boards to make releasing decisions (Phelps & Curry 2017; Reitz & Rhine, 2020).

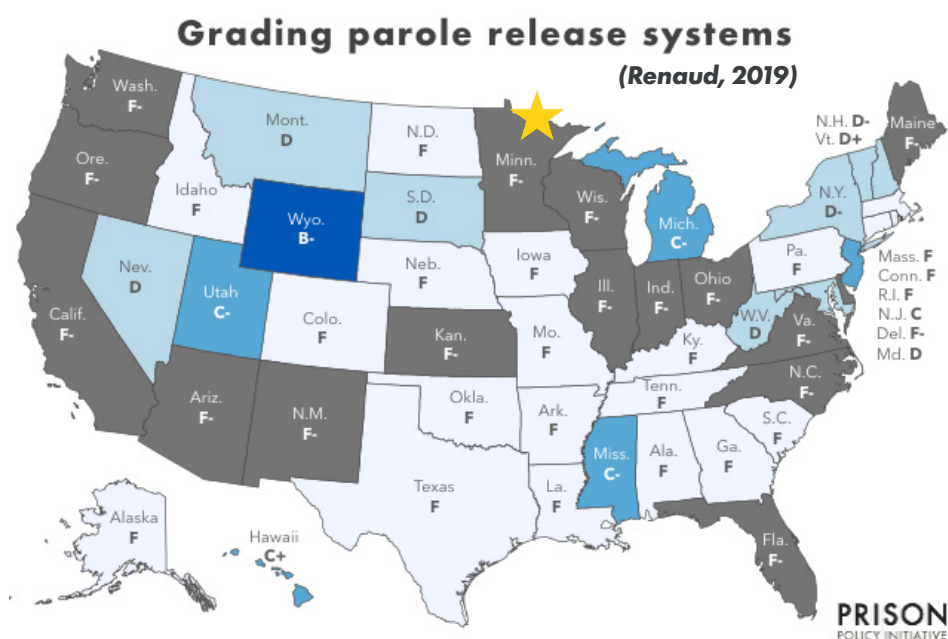
In the early 1970s, all U.S. states followed an indeterminate sentencing model, in which judges typically set a sentence range but parole boards had tremendous discretion in deciding when to release someone from prison (Reitz & Rhine, 2020). As the medicalized, rehabilitative ideals of the criminal legal system fell out of favor, states began to eliminate their parole boards (Allen, 1981; Rothman, 2002). From 1976 to 2000, sixteen states and the federal system all abolished parole release for most or all cases. Yet, although fewer people are eligible for parole release today than were eligible in the 1970s, a hearing before a parole board remains the mainstream framework for deciding how much time someone serves in prison, as well as for the requirements and length of their supervision after they are released. In the 34 states in which they still operate, parole boards often work in tandem with local parole agencies (typically housed in the state's Department of Corrections) to set and enforce supervision requirements (Reitz & Rhine, 2020).

In 2016, 56% of all prison releases were released at the discretion of a parole board, while 35% were classified as a form of mandatory release with no supervisory agency having made the releasing decision (Kaeble, 2020). Yet, an unknown number of these mandatory releases occur despite a parole board's decision not to release someone from prison before completing the maximum term. Reitz and Rhine (2020) estimate that parole boards fixed or heavily influenced the time served in prison for about two-thirds of releases in 2016. As they describe, this "enormous power is concentrated in the hands of a tiny group of people" (Reitz & Rhine, 2020, p. 283), with the most recent numbers showing that, across the country, only 347 individuals served as full- or even part-time members of state parole boards (Paparozzi & Caplan, 2009). Likewise, in states that have determinate sentencing, in which a specific sentence length is set, time to release is not necessarily more predictable and is also affected by

back-end decisions such as the use of good-time credits earned while in prison. These differences in indeterminacy in release across paroling and non-paroling jurisdictions have received little attention from researchers of parole and post-release supervision (Reitz & Rhine, 2020).

With all of these state differences in sentencing and release structure, there is no such thing as a pure or absolute indeterminate system, even in the 34 states that retain a parole board. Within the paroling states, there are also widely different approaches in the amount of releasing authority ceded to parole boards, compared to other correctional authorities. This is in addition to differences in the qualifications for service on parole boards, in the appointment process, and in parole board membership, in prison-release eligibility laws and policy formulas, in the use of risk assessments in release and revocation decisions, and in other factors that affect prison release decision-making.

In fact, some contend that paroling systems are so different across states that it is nearly impossible to compare them. Nevertheless, researchers who have investigated the structure and administration of community supervision agencies present a bleak picture. For example, a 2019 analysis by the Prison Policy Initiative assigned the majority of states' post-prison release systems a grade of a D or F for fairness, equity, and transparency. Minnesota received an F- (Renaud, 2019). For other extensive reviews of state differences in community supervision structure and administration, see the Robina Institute of Criminal Law and Criminal Justice's profiles in probation and parole supervision. Notable parole publications include their 2016 national survey of paroling authorities and 2018 state-by-state report on legal frameworks for parole release decisions (Robina Institute for Criminal Law and Criminal Justice, 2016, 2018).



SUPERVISION USE, LENGTH, AND REVOCATIONS

Given this great variation in structure and administration, it is no surprise that states vary widely in how much they use community supervision in comparison to jail and prison. Minnesota, Georgia, and Rhode Island have more than 85% of their total correctional populations (across probation, parole, prison, and jail) under community supervision while Oklahoma, Nevada, and Virginia reported 50% or less of their correctional populations were serving time in the community (Alper, Coda, & Reitz, 2016).

Nationally, both incarceration and community supervision systems expanded from the 1970s to the 2000s while, over the past decade, both have declined (Phelps, 2016, 2017). At the state level, the trajectories of each form of criminal legal control varied over the same timeframe. Some states focused on probation or incarceration, while others significantly increased or restricted the use of both forms of control. Low-incarceration states (MN and WA) became extremely reliant on probation when compared to states (OK and SC) that exhibit low probation rates but a high use of imprisonment (Phelps, 2017). In the past decade, states have also exhibited different trends of

decreasing incarceration and community supervision: many have modestly scaled back the use of both probation and imprisonment, but some have continued to expand one or both forms of criminal justice control (Phelps, 2016).

Phelps (2017, 2020) warns that this apparent divergence between incarceration and community supervision rates also reflects poor data tools. States, particularly those that are overly reliant on incarceration, systematically undercount the number of people who are in misdemeanor probation because governments offload low-level supervision to local, privately-run, and court-based programs that do not report data to national agencies like the Bureau of Justice Statistics (BJS). These data limitations make it difficult to examine which states' social, economic, and political characteristics could be unique drivers of probation rates.

States and local agencies vary in their use and length of supervision, revocations, and - perhaps most importantly - data tools and collection processes.

States and local agencies also vary widely in how frequently they seek revocation for people who commit a technical violation or a new crime. For parole and post release revocations, estimates from 2015 show that Idaho, Utah, and Vermont had extremely high rates of parolees being sent back to prison but Florida, Alabama, and Virginia displayed a lower number of revocations to prison (Alper, 2016). Less is known about state differences in probation revocations over time beyond the fact that some states do revoke probation more frequently than others (Phelps & Curry, 2017).

The lack of availability of data that can track state prison populations over time also undermines the belief that, nationally, technical violations alone are a major driver of incarceration rates. Using Minnesota state prison population data from 1979 to 2016, Phelps and colleagues (2023) estimate that, on any given day, some 1 in 8 people in state prisons are there only for a technical violation of the terms of community supervision. Combined, these results demonstrate that national, single-year estimates likely hide key state and local differences in both the use of community supervision and in revocation trends. Meaningful reductions in prison and community supervision populations will require both understanding why people commit new crimes while under community supervision and greater efforts to divert them away from jail (Phelps et al., 2023).

These revocation differences across states are predicated on changes in community supervision policies and practices over time. For example, although once a state with a high number of parolees being reincarcerated, California reduced parole violation admissions to prison in half with the implementation of the Public Safety Realignment Act in 2011, with only 23% of total prison admissions in California coming from parole revocations in 2013 (Carson & Golinelli, 2013). In the current era of criminal justice reform, other states and cities have also radically scaled back probation without increasing incarcerations or experiencing significant public safety repercussions. Most notable is New York, which reduced probation caseloads by two-thirds while also experiencing sharp declines in the rates of both index crimes and of incarceration (Jacobson et al., 2017; Lopoo et al., 2023).

Understanding mass supervision in different state and local jurisdictions can help with future research and efforts to reimagine community supervision. Some states and localities have begun to substantially roll back their reliance on community supervision, without increased crime or incarceration rates. Such efforts serve as useful blueprints for the future but research suggests that policymakers, administrators, and organizers must understand their own unique contexts of community supervision. Future policymaking and organizing geared towards sentencing, supervision, and revocation can all help to blunt the expansion of community supervision and to bolster its potential as a diversion from prison.

In the next two sections of this report, we examine the context and consequences of mass supervision in Minnesota, a state that has been extremely reliant on probation and supervised release. In the section "Community Supervision in Minnesota," we outline the size and structure of community supervision, including trends in the populations under probation and under supervised release over time, which agencies provide supervision, and the policies and laws that govern supervision. In the second section, "Consequences of Mass Supervision in Minnesota," we highlight the consequences of mass supervision in Minnesota, including high numbers of violations and revocations, inconsistencies in supervision practices and requirements, and deeply embedded racial disparities.

Community Supervision in Minnesota

STRUCTURE AND ADMINISTRATION

Minnesota's community supervision system includes three different delivery systems. Each system is a different arrangement between the Department of Corrections (DOC) and county agencies. Counties can choose from three options for funding and implementing probation and supervised release. In 30 of Minnesota's 87 counties, the Minnesota DOC supervises all types of probation. In 22 counties, probation services are provided by a combination of county probation officers (CPOs) and the state DOC. Referred to as 'contract counties,' in these 22 counties the DOC oversees felony probation and CPOs supervise juveniles and most adult misdemeanants. CPOs are subject to the authority of a county's chief judge and are supervised by the county court services director. The other 35 counties operate under the Community Corrections Act (CCA),¹⁰ meaning that county staff provide all probation and most supervised release services.

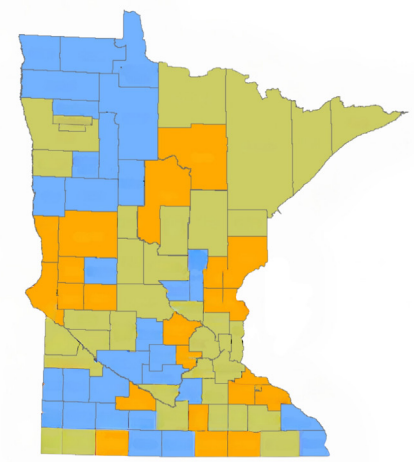
In 2022, CCA agencies reported oversight of over 63,000 people – nearly 71 percent of the total community supervision population – while the DOC and CPOs reported oversight of roughly 17,000 and 9,000 people respectively (Minnesota Department of Corrections, 2023a).

For supervised release in Minnesota, there is currently no parole board that determines when an adult is released from prison: only juveniles and some life-sentenced adults are eligible for parole. Under state law, individuals who receive a prison sentence serve two-thirds of their sentence in prison and the remaining time on supervised release in the community (Minn. Stat. § 244.05, 2022). Alongside its determinate sentencing structure, Minnesota operates a sentencing guidelines commission that oversees and sets sentencing standards in the state. Known as the Minnesota Sentencing Guidelines Commission (MSGC), this policy-making body has 11 members: three members from the public and eight criminal legal professionals such as judges, law enforcement, and corrections administrators. The DOC oversees post-release supervision in the 52 counties that are not part of the Community Corrections Act (CCA), and provides intensive supervised release services through contracts with the CCA counties (Minnesota Department of Corrections, 2016, 2023).

All DOC-provided services are under the direction of 14 district supervisors with the state of Minnesota paying the full cost of providing community supervision. In CCA counties, funding is provided through a combination of state subsidies and county tax dollars. For contract counties, counties are billed for service costs, including the cost of agent salaries and fringe benefits. State law allows the DOC to reimburse a portion of the salary and fringe benefits of the county court services director and county probation officers. Each system has different policies regarding level of supervision¹¹ and services and treatment options, as well as policies concerning the consequences of violations and early release from supervision (Justice Reinvestment Initiative Minnesota, 2022b).

These variations in the structure and administration of community supervision can be confusing for people with criminal charges in different Minnesota counties. From 2018 to 2020, more than six percent of those on community supervision (over 5,000 people) reported being supervised by more than one agency. People navigating multiple community supervision systems must overcome additional barriers to be successfully discharged. Our conversations

Court Services Delivery System



- CCA** Community Corrections Act provides all court services
- DOC** State Corrections Department provides all court services
- DOC CPO** State Corrections Department provides services for adult felons
County Probation provides services for juveniles/adult non-felonies

10. As a result of the Minnesota Community Corrections Act of 1973 (CCA), these 35 counties are organized into 22 administrative service units and are known as Minnesota Association of Community Corrections Act counties. Under the CCA, any Minnesota county or group of counties with a population of 30,000 or more can choose to have all probation services provided by the county. See <https://www.maccac.org/>.

11. For more details on probation supervision levels and programming see <https://mn.gov/doc/community-supervision/community-supervision/services-available/>

“My peers who did the same exact thing as I did... [have] an entirely different experience.”

with Minnesotans under community supervision highlight how the experience can vary depending on where you live. For example, one Minnesotan described his experience this way:

“My peers who did the same exact thing as I did, who are doing the same time, same thing out in the community as me, but because employers have a different view down there [in the Twin Cities metropolitan area], because their counties down there are bluer [meaning more politically liberal] than they are up here [in northern Minnesota], yeah, it’s an entirely different experience.”

USE AND SCALE

Despite its relatively low use of incarceration, Minnesota has one of the highest rates of community supervision in the country, with roughly 92,000 people under some form of community supervision in 2022 (Minnesota Department of Corrections, 2021). Compared to other U.S. states, Minnesota relies on community supervision so heavily that it ranks 12th in the number of people under criminal justice control, despite an incarceration rate that is below the national average (Prison Policy Initiative, 2023). Minnesota is heavily reliant on probation in particular, with nearly 76 percent of people convicted of a felony in 2019 being sentenced to probation (Council of State Governments, 2022).

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under some form of community supervision in 2022.

Breaking down these trends in probation and supervised release over time demonstrates that mass supervision is a defining feature of the criminal legal system in Minnesota. Mass probation in Minnesota peaked in 2006, with over 142,000 people under supervision, including 14,000 juveniles. Since then, the number of probationers has been on a steady but moderate decline, decreasing to 87,000 people in 2021 with a slight uptick to 90,000 in 2022. When looking at offense level, Minnesota has substantially reduced the number of people on probation for low-level misdemeanors: dropping from 45,000 to 18,000 between 2002 and 2022). For felonies and more serious misdemeanors, the numbers have remained fairly constant over time, fluctuating between about 40,000 and 30,000 people respectively over the past 20 years (Minnesota Department of Corrections, 2023a).

For supervised release, there were roughly 6,000 people under some form of post-prison release in 2022. This was twice the number of people on post-prison release supervision in 2002 (3,000), and a slight decrease from a peak of nearly 7,000 people in 2016 (Minnesota Department of Corrections, 2004, 2017). Thus, although probation numbers had been steadily declining until last year, the number of people on supervised release steadily increased from 2004 to 2016, and only recently has the number of people on supervised release begun to decline (Minnesota Department of Corrections, 2017).

Although state statistics on supervised release generally do not include type of offense, estimates suggest that nearly 800 people were under intensive supervised release (commonly referred to as ISR) in 2022 (Minnesota Department of Corrections, 2023a). This group typically includes people convicted of violent or sexual offenses and who are assessed as high-risk by the Department of Corrections.¹² ISR includes strict conditions, including 24/7 supervision, house arrest, electronic monitoring, unannounced drug testing and officer visits, extensive work and education requirements, and imposition of additional fines and fees (Minnesota Department of Corrections, 2010). A recent analysis finds that, compared to those under standard supervision, people placed on ISR are less likely to have future violent and felony convictions. However, this same DOC study finds higher numbers of technical violations among people on ISR, compared to people under standard community supervision (Duwe & McNeeley, 2021). Our interviews with Minnesotans on ISR demonstrate how intensive supervision can make some of life’s most basic tasks, like getting groceries or attending doctor’s appointments, nearly impossible. As one Minnesotan on ISR explains, “I have one four-hour pass a week to do it [that is, take care of life needs like

¹². Prior to 2018, intensive supervision criteria were based on offense type not a risk assessment tool (Duwe & McNeeley, 2021).

grocery shopping and healthcare appointments].” Minnesotans on ISR also experience different conditions and requirements, depending on where they live. For example, one community member explained that moving from one county to another in Minnesota resulted in placement in ISR, despite no changes in their behavior or criminal charges.

Consequences of Mass Supervision in Minnesota

Given its intensive reliance on community supervision, Minnesota has become a valuable site for researchers seeking to analyze the causes of mass supervision and, especially, the consequences of mass supervision for the individuals, families, and communities caught in its wake. In recent years, state and local politicians, correctional administrators, and community organizations have focused their efforts on understanding and unwinding the unwieldy expansion of mass supervision in Minnesota. Research points to some critical challenges, including long supervision sentences and frequent revocations, with many in the community frequently cycling through local jails and state prisons. Minnesota’s community supervision systems are also characterized by stark racial and ethnic disparities, which exacerbate inequality in health and wellbeing in the state.

In a thorough review of the literature, we examined 25 studies of community supervision in Minnesota since 2005, conducted by academic scholars, community organizations, and national groups. Some studies investigated how people understand and navigate the financial, health, time, and emotional challenges of serving time in the community. A few studies included perspectives and insights from people who work in probation, documenting the conditions and constraints of community supervision work in the state. Most of the existing research focuses on outlining the conditions of community supervision in the Twin Cities metro area, although a few evaluations by the Minnesota DOC and academic researchers assess the impacts of different prisoner reentry and community supervision programs across the entire state.

SENTENCE LENGTH AND REVOCATIONS

Long sentences and revocations are frequent challenges in Minnesota community supervision. Until 2019, courts were given wide and broad discretion with respect to the length of felony probation sentences and there were no statewide laws governing early release (Minnesota Department of Corrections, 2017). The Minnesota Sentencing Guidelines Commission (MSGC) has since constrained the length of felony probation and, in the most recent legislative session, felony probation sentences were capped at 5 years (Minnesota Sentencing Guidelines Commission 2023, Minn. Stat. § 609.135, 2023). Prior to this change (2017-2019), the average probation sentence length¹³ in Minnesota was a little longer than five years, though MSGC was unable to determine how much of the sentence pronounced by the court was fully served by the person.

For people convicted of drug offenses, DWIs, and sex offenses, the average sentence length was higher. People convicted of sex offenses in particular face an average sentence length of 12 years (Minnesota Sentencing Guidelines Commission, 2020). The 2023 law changes may help reduce the length of probation for the commission of a felony in the future. However, the MSGC does not consistently record information about either pronounced sentence length or time served under supervised release, making it difficult to track and monitor how previous or future policy changes will influence post-prison release practices. One DOC report noted that, in 2014, people sentenced to prison (excluding life sentences) served an average of almost 17 months on supervised release (Minnesota DOC, 2017).

Researchers have raised concerns about recent increases in Minnesota’s prison population, given that the prison populations in several other states have been on the decline. Starting in 2000, Minnesota’s prison population increased by 50%, reaching more than 9,000 people in



13. We use the term sentence length to refer to the court-imposed probation term. Probationers can reduce the time served on probation through good-time credits earned while in prison. Early release policies for people leaving prison were changed during the 2023 legislative session.

2018 (Vera Institute of Justice, 2019). Studies point to an increasing number of felony cases being sentenced each year – particularly in drug and weapons cases – and high rates of revocation from prison and post-release supervision as factors increasing prison populations in our state (Frase & Mitchell 2017; Solheid, 2018). Recent estimates suggest that more than 60 percent of prison admissions are due to supervision failures, including the commission of both new crimes and of technical violations (Justice Reinvestment Initiative Minnesota, 2022a)

Supervised release
revocations
accounted for
**an average daily
prison population
of 1,200 people**



For probation, the average revocation rate across the state was more than 15 percent in 2019 (Minnesota Sentencing Guidelines Commission, 2023). Revocations of post-prison release were also a consistent problem, with a 2017 study noting that supervised release revocations accounted for an average daily prison population of 1,200 people, roughly the equivalent of one additional DOC prison in the state (Solheid, 2018). This churning of people in and out of prison as a result of supervision failures only increases recidivism (Duwe & Clark, 2017) costing the state more than \$77 million each year (Justice Reinvestment Initiative Minnesota, 2022a). Likewise, jail confinement often coincides with felony probation. For all felony cases sentenced in 2021, 64 percent of people on probation received a local jail sentence as part of their sentence (Minnesota Sentencing Guidelines Commission, 2023).

Combined, these studies show that mass supervision in Minnesota is defined by an overreliance on long sentences and revocations back to jail or prison. There is also evidence to suggest that these two aspects of community supervision are inflating jail and prison populations, which is costly to Minnesota taxpayers and harmful to public safety and wellbeing. Such concerns have shaped recent reform efforts by Minnesota legislators.

INCONSISTENCIES AND LACK OF UNIFORMITY

Another defining factor of mass supervision in Minnesota is its complex and diverse system of community supervision, which has resulted in widespread inconsistencies and lack of uniformity in community supervision practices. For example, the variation in structure and administration of community supervision in Minnesota has resulted in wild inconsistencies in sentence lengths and revocation rates across the state. As just one example, the average felony probation sentence imposed in 2014 and 2015 ranged from roughly 3 years to 7 years depending only on where in the state the sentence was imposed (Minnesota Department of Corrections, 2017). Revocations also vary widely by jurisdiction. Among people sentenced to probation between 2004 and 2019, Itasca, Norman, and Polk Counties revoked roughly 30 percent of probation cases while Dakota, Hennepin, and Rice Counties were all at the lower end with only about 10 percent of probation cases revoked during this same time period (Minnesota Sentencing Guidelines Commission, 2020).

Community supervision agencies also vary widely in the extent to which they use risk assessment tools, evidence-based practices, case planning and management, and discharge planning in their daily operations. Within and across the different supervision delivery systems, there are also inconsistent definitions in key terminology, such as the scope of administrative supervision¹⁴. These organizational inconsistencies, combined with different policies regarding level of supervision, services/treatment options, and how violations and early release are handled likely shape differences in both sentence lengths and the use of revocation in different jurisdictions (Hunter et al., 2022; Justice Reinvestment Initiative Minnesota, 2022a).

Reducing the length of probation and supervised release could reduce the likelihood of future violations and revocations. According to a report by the Minnesota DOC, supervised release failures most commonly occur in the first six months of supervision (Minnesota Department of Corrections, 2017). Early release from supervision has been

14. Administrative supervision typically refers to the lowest level of supervision, usually reserved only for people convicted of more low-level crimes. People under administrative supervision are not required to report frequently to Parole Officers and are typically subject to fewer conditions.

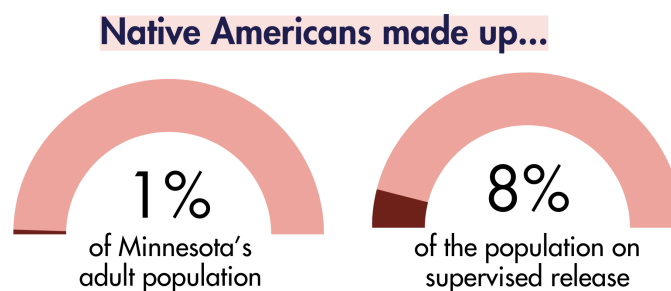
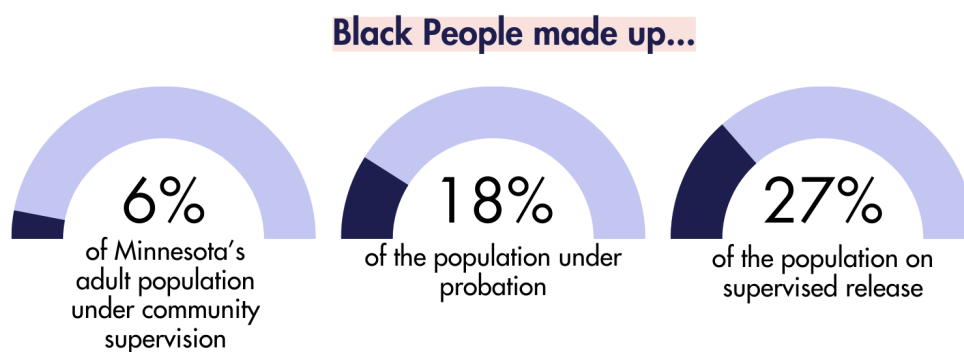
frequently used in Minnesota in the past, with nearly 40% of felony cases closed over a year prior to their original sentence expiration date in 2016 (Minnesota Department of Corrections, 2017). Previously, early release practices varied greatly by place, but changes in the 2023 legislative session aim to create state-wide guidelines for early release while in prison or supervised release (Minnesota Department of Corrections, 2023b). Moving forward, these inconsistencies and variations across jurisdictions can be addressed by the adoption of state-wide standards and by training to help ensure consistent and equitable practices across the state (Hunter et al., 2022; Justice Reinvestment Initiative Minnesota, 2022a).

Average felony probation sentence imposed in 2014 and 2015 ranged from roughly
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INEQUALITY BY RACE, ETHNICITY, AND TRIBAL NATION

Minnesota's criminal legal system is characterized by stark inequalities for Black and Indigenous people. In 2019, Black people made up only six percent of Minnesota's adult population under community supervision but more than 18 percent of the population under probation and 27 percent of the population on supervised release. The probation rate for Native Americans was also more than 9 times higher than the rate for white adults. Although Native Americans make up only 1 percent of the total adult population in Minnesota, they comprise 8 percent of the population on supervised release. Native American and Black adults also face high rates of revocation while on community supervision. Native Americans are nearly 1.5 times more likely than whites to be reconvicted of a felony within three years of being placed on probation. Black adults are 1.2 times and Native American adults 1.5 times more likely than white adults to face revocation within one year of being placed on supervised release (Justice Reinvestment Initiative Minnesota, 2022a).

Such pronounced disparities in criminal justice control both perpetuate and exacerbate harmful financial, health,



and other consequences for Black and Indigenous communities in Minnesota. For example, a recent study finds that people sentenced to high-level probation¹⁵ in Hennepin County (the states' most populous county) report higher rates of substance abuse (66% vs 8%), mental illness (55% vs 14%), and serious physical health conditions like asthma (14.5% vs 5.5%), chronic kidney disease (5.8% vs .2%), and hypertension (17% vs 12.5%) compared to white non-Hispanic individuals. Health conditions also varied by race and tribal status, with higher numbers of

15. High-level probation is defined as someone who is assessed as high-risk and is assigned to a probation officer with a caseload of fewer than 40 individuals. High-level probationers interact more frequently with their Parole Officers and are more likely to receive modifications to or outreach on their programming, compared to people on lower levels of probation (Olson et al., 2021).

physical conditions found among Black and Native Americans when compared to white non-Hispanic individuals. Although self-reported mental illness was higher among white non-Hispanic people, professionally diagnosed severe mental illness, such as schizophrenia, was more common among Black individuals. Less-severe conditions, like anxiety and depression, were more prevalent among white people (Olson et al., 2021).

Interviews with 162 adults on probation in Hennepin County in 2019 find that roughly half of participants stated their health actually improved while on probation. The researchers compared these self-reports to participants' medical records, finding that those adults reporting improved health were actually in better health at the start of probation than were those who reported worse or similar health. Better health among participants was related to participation in (court-mandated) drug treatment, reduced alcohol and drug use, increased housing and food stability, and supportive relationships with their Parole Officers. However, these health gains while under supervision were offset by the many difficult challenges layered into supervision, leaving probationers in the most vulnerable of circumstances unable to satisfy the conditions of supervision and facing more punishment. In particular, people facing increased food insecurity reported more than twice the rate of worsening health than did other probationers. The threat of revocation also negatively affected some participants' mental health (Phelps et al., 2022).

One Minnesotan serving time on supervised release for a violent crime described the many health and financial struggles he had while on supervision and while reorienting to life after prison. He worried about the rollback of healthcare he received during COVID, which had helped him get access to necessary surgery he would be unable to access otherwise. Without being able to afford personal insurance coverage in the future, he shared:

“So the worry is what’s gonna happen then? Am I gonna have insurance or am I just gonna have to die of some condition? And they’re [the supervision agency] just okay with that. ... Where I go back into prison on purpose so I can have my cancer treated.”

Based on our interviews and conversations with people on community supervision, we are unable to make any claims about the relationship between racial, ethnic, or tribal identity and healthcare access. However, our results do demonstrate that current systems increase precarity and uncertainty for people serving time in the community, which previous studies suggest only exacerbate inequality in mental and physical health conditions in the state and elsewhere (Niño et al., 2023; Olson et al., 2021).

The imposition of fines and fees in the criminal legal system also imposes substantial financial burdens on Indigenous people in the state. A recent study using administrative court data, observations in local courts, and interviews with court actors finds that Native Americans in Minnesota carry the largest average criminal legal debt relative to other racial and ethnic groups. These financial burdens fall particularly hard on Native Americans who reside in northern Minnesota on some of the state’s largest reservations. The predominantly rural communities that house Native American communities are more punitive, with the average LFO in non-metro communities (including both those that overlap with tribal nations and those that do not), more than \$40 higher than in Twin Cities metro counties like Hennepin and Ramsey.

As shown in the map from Stewart and colleagues (2022; scale based on 2018-dollar amounts), the highest amounts of criminal legal debt are concentrated in Northern Minnesota. The purple boundaries and dots represent tribal reservations or communities and individual community members, respectively. The top LFO counties (Becker, Mille Lacs, and Mahanomen) are all located close to tribal reservations.

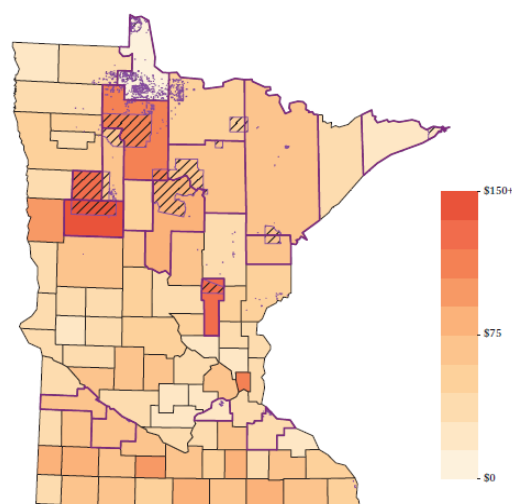
The average LFO debt for Native Americans located in counties with tribal reservations is nearly \$300, compared to only \$285 for Native Americans in other rural communities and only \$197 in the Twin Cities metropolitan area. White people in the same counties reported average LFO debts of \$269, \$265, and \$225 respectively. People who both identify as Hispanic and reside in rural counties also reported high LFO debt at \$300. The unequal application of monetary sanctions across urban-rural divides has disproportionately affected Native Americans in nonmetro

Native Americans in Minnesota carry the largest average criminal legal debt relative to other racial and ethnic groups.

counties, who already face a lack of resources and concentrated poverty. While Stewart et al. (2022) do not limit their analysis to people on community supervision, their results give us some insights into how fines and fees for probation and supervised release can exacerbate both harm and inequality.

Current studies have largely focused on the health and financial consequences of community supervision in Minnesota. Research demonstrates that community supervision, as it is currently used, does not serve as a viable alternative to imprisonment and only exacerbates inequality in health and wellbeing. Recent reports from national research organizations point to the importance of creating culturally-specific and explicitly non-punitive pipelines to healthcare and financial support for people who identify as Indigenous, Black, Hispanic or Latino/a/x and likely for other communities of color as well (Hunter & Bradner, 2023; Sakala et al., 2022).

An increase of over \$2.75 million in community supervision and social service appropriations to Tribal Nations in 2024 and 2025 is a step in the right direction. However, Minnesota still has a long way to go in cultivating the transformative change necessary to promote equity and justice for historically oppressed communities. For community supervision, future efforts such include establishing statewide standards, data monitoring, and developing and sustaining community co-designed supports that end mass supervision.



Mean LFO Debt Per Case by county, 2010-2015 (Stewart, et al., 2022)

* Scale based on 2018-dollar amounts

CONTINUING THE PIPELINE TO COERCIVE CARE AND SOBRIETY

Mass supervision in Minnesota may also be particularly unique in its role as a pipeline into coercive maintenance of people in need of support for addiction recovery, healthcare, and other supportive resources. Using the 2019 interviews by Phelps and colleagues (2022), Piehowski and Phelps (2022) highlight how one critical aspect of probation serves to contain, maintain, and punish people who use alcohol or drugs. Aptly riffing off the state's nickname, one interviewee describes Minnesota as the "land of ten thousand lakes and ten thousand treatment centers." Nationally recognized for the "Minnesota Model" of recovery, Minnesota has particularly strong political and institutional ties to addiction treatment, which have likely heavily influenced its more medicalized approach to probation (Piehowski & Phelps, 2022)

In fact, 75% of probationers reported a history of substance abuse and just less than half (42%) were on probation for a drug-or alcohol-related offense as their most serious conviction. For someone on probation, substance use and sobriety permeate all of their experiences with community supervision. Access to services, interactions with and surveillance by POs, and frequent threats of drug testing and revocation are all done in the name of maintaining sobriety and discouraging drug use (Piehowski & Phelps, 2022).

Even though most were on food stamps or other welfare support, participants often reported extreme financial and food insecurity. Two in five people interviewed reported that it was "slightly" to "very" difficult to provide themselves with food and more than half were unemployed at the time of the interview. Within this context of food, housing, and other socioeconomic struggles, probationers valued access to supportive housing and treatment but also shared that such "care" came with time limitations, special conditions, and coercive dynamics in their daily lives (Piehowski & Phelps, 2022).

For example, Hennepin County probation officers frequently enforced drug testing using something colloquially known as "the color wheel," a system of assigning random drug tests based on the probationer's assessed risk level (expressed as colors) at any given time. Although the frequency of testing varied, many probationers shared their frustrations with and the challenges of navigating the process. For some probationers—specifically those with serious histories of addiction and those who described themselves as addicts—testing was a coercive way to help

support and maintain their sobriety. Yet, many others resisted the idea that drug testing supported their wellbeing, frequently defying the label of addict. This group consisted of people who had either maintained sobriety, given up on it altogether, or did not view themselves as in need of sobriety (particularly for marijuana use). For them, testing “was an inconvenience and a continual reminder of how they were misrecognized and punished by the system” (Piehowski & Phelps, 2022, p. 14).

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Similarly, a few of the Minnesotans on community supervision we interviewed described the challenges of navigating drug testing. For example, one interviewee living in rural Minnesota explained how, once a month, an agent calls him randomly and requires he report for a urinalysis fifty miles away. He noted that drug testing “becomes a burden. Now I gotta take off [work] ... if they call me, I gotta go take a drug test that day.”

Nonetheless, probation officers would enforce sobriety from marijuana through drug testing and “Rule 25 assessments”¹⁶, which are drug treatment evaluations done by health professionals approved by probation agencies. This overreliance on testing and assessments led some probationers to compensate by worsening their use of alcohol or other drugs that would leave their system sooner to avoid detection by a drug test. Others felt the focus on drug treatment for marijuana use distracted from accessing supports more relevant to their needs (Piehowski & Phelps, 2022). We noted similar challenges with drug testing during our conversations with people on community supervision in the state.

Taken together, the research in Minnesota paints a picture of the complex relationships among community supervision, healthcare, and wellbeing. The commitment to strong-arm sobriety in Minnesota appears to produce more harm than good for justice-involved adults, “providing access to only inadequate or substandard forms of care while piling on additional barriers and risks that accompany a criminal conviction, active surveillance, and burdensome conditions” (Piehowski & Phelps, 2022, p. 24).

PROBATION OFFICER AND LEADERSHIP PERSPECTIVES

Given an extensive research focus in Minnesota on the relationship between probation and health, another recent study provides insight into how this focus on addiction may influence community supervision agencies and agents. For example, a survey of over 100 probation officers and supervisors in Hennepin County suggests how the relationship between health and community supervision is shaped by the decisions of local POs (Mitchell et al., 2021).

Most Hennepin POs perceived the health of probationers as worse than the health of the general public, and felt that people on probation must rely on emergency rather than preventative care because these individuals are typically from poor backgrounds and are either uninsured or underinsured. Many also noted the harmful impacts of poverty and inequality on their clients, and the potential of both poverty and inequality to perpetuate noncompliance with probation requirements. Given that probation often requires attending and completing drug or mental health treatment, POs are often responsible for monitoring a person’s progress in these programs and view participation in such programming as critical to the success of supervision (Mitchell et al., 2021).

Yet, many POs frequently reported gaps in the information provided by treatment programs, noting they must actively search out program attendance and completion information. There is no open line of communication between POs and providers, who may be concerned about an individual’s medical privacy, misunderstand the role of the PO, or fear revocation for the participant if they share any information about participation. Working with limited information, POs felt they could not adequately gauge the mental health and treatment needs of

¹⁶. Rule 25 assessments have since been phased out in favor of direct access, which gives individuals choice in selecting their drug treatment providers. People under community supervision must still undergo a comprehensive assessment and follow requirements laid out by a judge. For more details see <https://mn.gov/dhs/partners-and-providers/news-initiatives-reports-workgroups/alcohol-drug-other-addictions/sudreform/direct-access-faq.jsp>

people in their caseload, as non-attendance in a program could mean it is not a good fit or that the person is facing additional barriers that make it difficult to attend. Thus, although nearly all POs aligned themselves with the rehabilitative values of treatment over punishment for drug use, many nonetheless stated they would rely on punitive tools like court referrals and the threat of jail time for probationers who fail to meet treatment conditions (Mitchell et al., 2021). From one county employee's perspective, "too many reformers make the erroneous assumption that community resources are available, when this is not true given the sheer number of people on probation. Agents don't have adequate resources for mental health and substance use issues, among other problems. If resources don't exist, we are telling agents to 'figure it out' without providing real community supports."

If resources don't exist, we are telling agents to 'figure it out' without providing real community supports."

While these results suggest that, at the very least, Hennepin County probation officers espouse widespread support for rehabilitative ideals, they may often struggle to put such ideals into action if the tools available to them are limited to increased supervision and punishment for people in their caseloads (Mitchell et al., 2021). Likewise, a probation officer's attachment to rehabilitative ideals may not necessarily translate into the same experience for those being supervised, as probationers in both Minnesota and other states report experiencing infantilizing or degrading treatment by probation officers (Phelps & Ruhland, 2021).

Conclusion: Reimagining Supervision

DIRECTIONS FOR FUTURE RESEARCH

Although researchers are beginning to recognize community supervision as its own expansive and unique form of criminal justice control, substantial groundwork remains to be done to chart the specific impacts of mass supervision on individuals, families, and communities. In this literature review, we have outlined existing research on the rise of mass supervision and its continued role in expanding the scope and scale of the criminal legal system. Rather than diverting people away from prison and jail, community supervision is often a pathway to further incarceration, including for technical violations like failing a drug test or missing an appointment. The development of research questions should be guided by the need to develop solutions to reduce, if not completely eliminate, the use of community supervision, including developing legal arguments, theoretical knowledge, and normative questions about the meaning and purpose of community supervision (Lopoo et al., 2023; Phelps, 2020).

Moving forward, we need more accurate and consistent data on the effects of probation, post-prison release, and other measures of community supervision at national and local levels. This includes data on the impacts of programs that all operate under the banner of community supervision, including electronic monitoring, court diversion and pretrial supervision, and privately-run probation and parole services. Future studies that delve into the effects of community supervision on individual's rearrest and reconviction are essential, as is examining the effect of community supervision on things outside of the criminal legal system, including health, employment, education, and family formation (Phelps, 2020).

In Minnesota, academic research teams, criminal justice reform organizations, and community supervision agencies have established research partnerships to study community supervision practices. Much of the recent research has focused on the Twin Cities metropolitan area. For example, a recent study finds that people on probation in Hennepin County have heightened health needs that vary greatly by race and ethnicity (Olson et al., 2021). We know far less about the experiences, health, education, and other outcomes of people under different forms of community supervision and in different areas of the state. Location could also be important for understanding the different expectations and experiences of people working inside community supervision agencies, including how their expectations and experiences may shape how different offices adapt and implement recent policies.

Minnesota also requires more comprehensive data collection standards in its various probation and post-release supervision agencies. Researchers can serve as critical partners to ensure that such programs are effectively implemented in different jurisdictions throughout the state, focusing on whether these programs actually divert people from the criminal legal system, reduce inequality in supervision outcomes, and increase access to community-

based supports for people with addiction and mental health needs. Moving forward, researchers and community groups could help increase transparency and accountability in community supervision, ensuring that policymakers, administrators, and other stakeholders follow through on their promises of a widespread overhaul.

DIRECTIONS FOR FUTURE POLICY AND ORGANIZING

Starting in the early 2000s, as mass incarceration grew in size and prominence across the United States, local, state, and national groups began challenging its use. Until recently, reforms focused largely on incarceration and prisoner reentry, including major federal funding and programs through the Justice Reinvestment Initiative (a collaboration between federal and state agencies like the Bureau of Justice Assistance), but also through philanthropic and research organizations like The Pew Charitable Trusts, the Vera Institute of Justice, the Council of State Governments Justice Center, and the Urban Institute. Community supervision was rarely included in these early criminal justice reform conversations, unless to highlight its potential as an alternative to incarceration or as a pathway to early release, not as its own unique factor or as contributing to the mass expansion of criminal justice control over the past several decades (Lopoo et al., 2023; Phelps, 2020).

However, a growing number of advocates, researchers, philanthropists, and politicians have taken more seriously the role of community supervision in expanding and exacerbating harm in an already extremely punitive criminal legal system. This movement, geared towards addressing mass supervision, has both grassroots support and major investments from groups like Arnold Ventures, the Pew Charitable Trusts, and REFORM alliance, a criminal justice reform initiative helmed by celebrities Meek Mill and Jay-Z. Nationwide, efforts including scaling back (or completely ending) probation for misdemeanors and lesser felonies, increasing diversion of prison-bound cases to probation, increasing opportunities for early release from supervision and incarceration, and reducing revocations are all critical pathways to blunt the effects of mass supervision and mass incarceration (Phelps, 2020).

Like many other states, Minnesota's criminal justice reform has been varied, including addressing voter disenfranchisement and felony sentencing for murder and other serious offenses, among other changes. For community supervision, recent efforts have included reducing sentence length, reducing disparities by race and tribal nation, changing state funding structures to create equitable funding for community supervision across Minnesota counties and tribal nations, establishing statewide standards and practices, and increasing consistency and predictability in decision-making across different jurisdictions.

Many different national and state stakeholders have been active in this recent wave of criminal justice reforms, including a wide swath of community supervision changes included in a massive public safety bill passed in Minnesota in May 2023 (Arnold Ventures, 2023). Researching current and future reform efforts offers an opportunity to examine the direct impacts of community supervision on individual, family, and community trajectories. With sound data infrastructures and research agendas in place, Minnesota could serve as a critical testing ground for transformative efforts to end mass supervision.

Some Minnesota agencies, like the Hennepin County Department of Community Corrections and Rehabilitation, have called for more than mere policy reform, with a 2021 memo aimed at reimagining community supervision by eliminating urine drug testing (Gokey, 2021). This small step within a single agency is the beginning of broader change but future efforts must develop clear definitions of what reimagined supervision should look like and who should be the key stakeholders involved. Beyond policy shifts, a true reimagining will require a collective change in our understanding of the purpose of and justifications for both community supervision and the criminal legal system as a whole. Answering these questions can help bring about not only system-wide changes in community supervision, but can also tackle long-standing inequalities in criminal justice, healthcare, education, and other systems. Racist policies are baked into Minnesota's social fabric, and the criminal legal system is no exception (Myers, n.d.), making continued research essential to increased accountability and transparency of our systems of public safety and social welfare to historically marginalized communities.

At MNJRC, we aim to cultivate public conversations, conduct research, and craft policy and organizing solutions that will drastically scale back community supervision in the state. Instead of working solely to improve the current state of care in our probation and supervised release systems, Minnesota must develop more meaningful supports that divert people from criminal justice and create lasting change in individual and generational wealth, education,

and wellbeing. Minnesota has a rich history of progressive organizations who could serve as critical leaders in the creation of new methods of research, policy solutions, and organizational change related to community supervision.

As a companion to this literature review, our next project is a policy landscape analysis that will outline the trajectories and emerging research of this wave of criminal justice reform geared towards addressing community supervision. This policy landscape analysis will outline not just national conversations and trends, but also focus on recent efforts by policymakers, national groups, and local organizations in Minnesota to overhaul how community supervision operates in the state. We hope both documents can serve as tools for policymakers, advocates, community groups, service providers, and others who want to work collectively to end mass supervision and reimagine justice.

Glossary of Terms

- » **Abolition:** A theory and political organizing strategy to end the racialized punitive systems of legal control that exist in the United States and elsewhere.
- » **BJS:** Bureau of Justice Statistics
- » **Carceral citizenship:** Refers to the political and social barriers experienced by people with criminal records and involved in the criminal justice system.
- » **Color wheel testing:** A form of drug testing described as arduous by people serving a probation sentence in Hennepin County, Minnesota. Testing frequency is based on a probationer's assessed risk level marked by different colors.
- » **CCA:** Community Corrections Act
- » **Community supervision:** A form of punishment or sanction imposed outside of a jail or prison.
- » **CPOs:** County Probation Officers
- » **DOC:** Department of Corrections
- » **Diversion:** An intervention approach that redirects people from going to prison or jail, while still holding them accountable for their actions.
- » **Decarceration:** A policy or community organizing process that attempts to reduce prison or jail populations.
- » **Determinate sentencing:** A criminal sentencing system where a judge sets a specific sentence term and prison release is not determined by a parole board.
- » **Felony:** More serious crimes. A crime for which time served would be equal to or greater than one year.
- » **Indeterminate sentencing:** Refers to a sentencing structure where a judge determines the amount of time someone is sentenced to serve, and a parole board determines release from prison.
- » **Index crimes:** Refers to serious crimes that are measured each year by the Bureau of Justice Statistics including homicide, sexual assault, robbery, burglary, aggravated assault, larceny, motor vehicle theft, and arson.
- » **Intensive Supervised Release (ISR):** In Minnesota, a specific form of post-prison release that includes strict conditions, including 24/7 supervision, house arrest, electronic monitoring, unannounced drug testing and officer visits, extensive work and education requirements, and imposition of additional fines and fees. Typically reserved for people leaving prison who have been convicted of violent or sexual offenses, and are assessed as high-risk by a DOC risk assessment tool.
- » **Legal financial obligations (LFOs):** Court-ordered financial obligations. Examples include mandatory fines, fees, state assessments, and other court costs.
- » **Misdemeanor:** Less serious crimes. A crime for which time served may not exceed 90 days and a fine is less than or equal to \$1,000.
- » **MNJRC:** Minnesota Justice Research Center

- » **MSGC:** Minnesota Sentencing Guidelines Commission
- » **NSDUH:** National Survey on Drug Use and Health
- » **Net-widening:** A possible risk of criminal justice reforms, like community supervision, that expand the social and legal control over individuals in this system.
- » **Probation:** Defined as a court-imposed penalty for a felony or misdemeanor conviction where people serve their sentences in the community as an alternative to incarceration.
- » **Parole:** Conditional release for someone released from prison, decided by a state's parole board.
- » **Parole board:** A panel of people who decide whether or not someone can be released from prison after they have served a minimum portion of the original sentence.
- » **Parole/probation officer (PO):** An official who has been appointed to report on, investigate and evaluate the conduct of someone under community supervision.
- » **Prisoner reentry:** The transition that prisoners undergo from prison or jail and back into their local communities.
- » **Rehabilitation:** A guiding philosophy of U.S. criminal justice since at least the early 20th century that prisoners, probationers, or parolees can be morally reformed and returned to society as a free citizen once they complete their sentence successfully.
- » **Revocation:** When someone violates the terms of their community supervision or commits a new crime and is sent back to prison or jail.
- » **Rule 25 Assessment:** In Minnesota, these are drug treatment evaluations conducted by local health professionals who are approved by probation agencies. Recently replaced by a direct access model that aims to give individuals more choice in selecting drug treatment providers.
- » **Technical violation:** When someone does not comply with a condition of their supervision like failing a drug test or missing an appointment.
- » **Tribal nation:** A group of federally recognized indigenous peoples.

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