



OPINION

Op-Ed: Stop putting people in prison for small parole and probation rule violations



Some 25% of state prison admissions nationwide are people entering prison because of technical violations of probation or parole rules. (Los Angeles Times)

By DAVID MUHAMMAD AND VINCENT SCHIRALDI

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As protesters around the country demand a long overdue examination of policing, we must not overlook the hidden law enforcement army of parole and probation officers surveilling poor, Black and brown people every day.

These officers exercise enormous control over the lives of people under their supervision. And they do so with little oversight or accountability to policymakers or the public.

Their decisions affect the lives of more than 4.5 million people placed on probation or parole — also called community supervision — in the U.S., twice the number of people in prison and jail in this country. For people under supervision, one missed appointment, one curfew violation, one failed drug urine test or even an accusation of violating a parole or probation rule could result in being reincarcerated, in some cases, without even a hearing.

Any overhaul to policing in this watershed moment must also be applied to transforming community supervision, which in many places has become a punitive driver of mass incarceration, especially for people of color. In fact, [25% of state prison admissions nationwide](#) are people entering prison because of technical violations of probation or parole rules.

Community supervision, like policing, is not meted out equally. At its peak in 2007, one in 12 Black men was on probation in the U.S. Various studies on disparities in technical violations have found that Black people are more likely to be charged with violations (ranging from 50% to 200%) than white people, even when controlling for other factors. [Recent research by the Columbia Justice Lab](#) found that Black and Latinx people were incarcerated in New York City's Rikers Island jail complex on technical parole violations at 12 and four times the rate of white people respectively.

Traditionally, there have been fewer checks on probation and parole enforcement because they were established with more benign intent. But when the goal of rehabilitation for incarcerated people was largely declared dead in the mid-1970s, probation and parole took a sharp turn toward surveillance and punishment.

It is hard to overstate how small an infraction can be to cause catastrophic consequences for the individual. Michael Tyson and Raymond Rivera, both men of color, were incarcerated at New York City's notorious Rikers Island jail complex while awaiting hearings for technical parole violations — specifically, missing appointments and leaving a drug program without permission. This became a death sentence for Tyson and Rivera, who were the first two people incarcerated at Rikers to die of COVID-19.

Last year, the Council of State Governments reported that people admitted to state prisons for technical violations were incarcerated [at a cost of \\$2.8 billion](#). Yet this kind of supervision and incarceration for minor rule violations has not been shown to divert people from incarceration or reduce recidivism — its two central goals.

In California, Gov. Gavin Newsom proposed to trim the time people can serve on parole to two years and Assemblymember Sydney Kamlager-Dove (D-Los Angeles) similarly proposed reducing probation terms to two years.

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In New York, Sen. Brian Benjamin and Assemblymember Walter Mosley are co-authors of the [Less Is More Act](#) to reduce parole supervision terms. It would cut back on the types of rule violations for which one can be incarcerated and dramatically reduce the amount of prison time for technical violations. These proposals are a good start to what should become nationwide efforts to reduce unnecessary supervision and eventually eliminate incarceration for noncriminal violations.

Of course, we should reform policing, reducing its size and making it more accountable. But let's also get probation and parole off of the backs of communities of color and allow people to turn their lives around without imprisoning them for violations that do nothing to improve public safety.

David Muhammad is a former chief probation officer of Alameda County and executive director of the [National Institute for Criminal Justice Reform](#). Vincent Schiraldi is a former commissioner of New York City Probation and co-director of the [Columbia Justice Lab](#).

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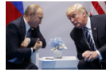
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