

Myths & Facts: *Parole in the Criminal Justice System*

	Myths...	...and Facts
1.	Parolees serve shorter sentences than that imposed by the courts.	All offenders, including paroled offenders who meet specific criteria, serve their complete sentence. For parolees, a portion is under supervision in the community.
2.	Parole is automatically granted when an offender becomes eligible.	In most jurisdictions, offenders must apply for parole, which is a discretionary early release, not release legislated based on eligibility dates regardless of suitability for release.
3.	There is no difference between parole and probation.	Probation is assigned in lieu of sentencing <i>or</i> as a period of supervision after sentencing by the courts. Parole is granted by independent parole commissions and is a period of supervision prior to the expiration of the sentence.
4.	Most offenders released on parole are convicted of new crimes.	Excluding technical violations, re-offending rates for parolees vary across jurisdictions, but overall is not more than for offenders released at expiration of sentence.
5.	Parole decisions are confidential and not available to the public.	Many jurisdictions permit members of the public to attend hearings, some post their decisions online, and some even televise their hearings or provide copies of Board decisions upon request depending on statutes.
6.	Victims do not have a role or say in the parole release process.	Most, if not all, Parole Boards follow legislation that has provisions for victim representation, above and beyond victim impact statements, at the time of sentencing. As well, most Parole Boards or correctional agencies notify victims of the impending release of perpetrators of violence.
7.	Board members are political patronage appointments.	In most U.S. states Parole Board members are appointed by governors, but increasingly, there is an application and interview process that provides governors with suitable candidates. NIC and APAL are addressing this through ongoing discussions with the Governors' Association.
8.	Parole Boards always interview the offender prior to making a decision.	While interviews (both real and virtual) often occur, some Parole Boards make parole decisions based on file information only.
9.	Parole legislation underscores the importance of offender rehabilitation.	Public safety is a paramount consideration for Releasing Authorities, although within legislation or policy are many are required to consider whether the offender has met some rehabilitation goal and if parole will support offender rehabilitation.
10.	Parole Board members have no special expertise, nor do they receive special training.	Many Releasing Authorities require minimum education requirements (B.A.) and expertise (criminal justice experience, victim advocates). Training is provided through a variety of opportunities at the local and national level (NIC national training, technical assistance, APAL annual training conference).

Introduction

Despite decreasing crime and incarceration rates, public concern regarding crime remains a serious concern. Given that the United States is the world leader in per capita incarceration rates and that most offenders return to their communities, it is perhaps unsurprising that in 2014, more than 636,000 people were released from state and federal institutions to return home (Carson, 2015) — approximately 1,750 per day. Situating parole and its potential contribution to effective corrections is critical. The primary purpose of this paper is to assist Releasing Authorities to inform stakeholders regarding the role of parole within the criminal justice system.

Of note, in 2014 more than 855,000 offenders were on parole or another form of post-release supervision (Kaeble, Maruschak, & Bonczar, 2015). While the numbers are much less than on probation (3.8 million), this nonetheless represents an important opportunity for Releasing Authorities to contribute to public safety and offender rehabilitation. Keeping the right people incarcerated (those at highest risk to re-offend) is central to the parole decision-making process and the recognition that public safety is paramount. Similarly, detaining offenders who would succeed upon release has significant fiscal and human costs. The cost of incarceration is significantly greater than community supervision. Keeping offenders incarcerated limits their contact with their families, prevents employment and the payment of taxes, and may in fact exacerbate the likelihood of re-incarceration (Gendreau, Goggin, Cullen, & Paparozzi, (2001). Moreover, some jurisdictions have the principle of least restrictive means reflected in legislation requiring, where possible, that offenders are not unnecessarily incarcerated.

Research suggests that incarceration alone does little to change a person's behavior, implying parole has an important role in the criminal justice system. National studies (see, e.g., Durose, Cooper, & Snyder, 2014) indicate that 68% of state prisoners are rearrested within 3 years of their release, and 77% are rearrested within 5 years. Of those, nearly half — 45% — are reincarcerated. Rehabilitation programming (Smith, Gendreau, & Schwartz, 2009) and appropriate community supervision (Chadwick, Smeth & Serin, 2015), however, do reduce rates of re-offending.

Just The Facts

1. Paroled offenders serve out the entirety of their sentence, similar to offenders who are denied parole. A portion of paroled offenders' sentence is served under community supervision. In essence, where Parole Boards determine the timing of release, a paroled offender would begin their period of supervision *earlier*.
2. If release is statutory, meaning the timing is established in law (i.e., offenders must serve a specific portion of their sentence prior to release), then release is automatic. If the Parole Board has discretion regarding the timing of release, then eligibility only implies the right of an offender to apply for review by the Board. The Board would then review, according to their decision guidelines, and make a determination regarding the suitability of the offender's release and under what conditions.
3. Since probation is assigned by the court in lieu of sentencing, probationers are typically lower risk clients. Because of this, Parole Officer (PO)-client caseloads may be different for probationers than parolees. Conditions of supervision, including the frequency of contact or face to face interviews, may also be different for probationers and parolees. Some offenders must complete a period of probation following incarceration, meaning they may be more similar to parolees in terms of needs and risk. Finally, in some jurisdictions, POs maintain a caseload of both probationers and parolees.
4. The issue of the effectiveness of parole remains relatively untested. While parolees typically have lower rates of recidivism than offenders who are not released on parole (Pew, 2013), comparisons do not control for offender risk. It may be that paroled offenders are lower risk or more likely to have completed programming, contributing to their improved outcomes. One large study indicates paroled offenders have re-arrest rates of 25% compared to 39% for end of sentence releases (Pew, 2013).
5. While the U.S. courts have ruled that there is no due process right to parole, many Parole Boards recognize the advantages to being transparent about parole with various stakeholders, including offenders. Increasingly, Parole Boards disclose parole decisions quite broadly. Some permit community members to attend hearings; some post their decisions with a brief rationale online on their website; and some (CT) televise their

hearings on public television. Recently Wyoming made a documentary regarding parole for distribution to the public.

6. The issue of victim representation is currently a legitimately “hot” issue within parole. Increasingly, based on statute, victim impact statements are requested by Parole Boards for consideration and victims are notified regarding parole hearings and impending release of perpetrators. Many Parole Boards have established victim services offices and Board Members have been victim advocates prior to their appointment.
7. Appointments are not made by the public through voting. Instead, most Parole Board and Parole Chair appointments are legislated either as a gubernatorial appointment or an order in council appointment through a senior government official such as Minister of Justice. In the U.S., Parole Board members serve at the pleasure of the governor, raising uncertainty with electoral changes and concerns regarding the politicalization of parole (Poparrozi & Caplan, 2009). Such change introduces concerns regarding stability and a need for ongoing training. However, while the governor may make the appointment, in 92.5% of these cases, a legislative body or other process confirms the appointment. Moreover, many jurisdictions have developed an application process, including written exams and interviews, based on competency and personal suitability, to develop an inventory of appropriate candidates. NIC and APAI are currently engaged in meetings with the Governors’ Association to advance the merits of such a more rigorous selection process. The Parole Board of Canada, for instance, fully explains the appointment process online for potential applicants (<http://www.appointments-nominations.gc.ca/slctnPrs.asp?menu=1&lang=eng&SelectionProcessId=EEA82547-1D03-413C-8799-8546406298C1>).
8. From the 2008 APAI survey, almost three-quarters of the Parole Boards report that inmate interviews are required as part of the release decision process. Videotaped interviews are used secondarily. Typically (70% of the RAs), a panel of RA members conducts inmate interviews, with most being a panel of three, or a panel of two with the third as a tie-breaker. Interviews are most common for cases of serious crimes and least common for reviews of technical violations.

9. Within the mission statement of most Parole Boards the primary consideration is that the protection of the public is paramount. While offender rehabilitation is often cited as an important goal of parole, it is secondary to public safety concerns. The APAI mission and values statements, and resolution on reentry underscores this point (APAI, 2015), noting that parole contributes to public safety by reducing offender recidivism.
10. One of the American Correctional Association's "essential" standards for Releasing Authorities (i.e., Parole Boards) is that at least two-thirds of members have at least three years of experience in criminal justice or a related position. In the past five years, at least 16 states have passed overhaul bills, including six that set out minimum qualifications for members, such as a bachelor's degree. The Robina Institute survey (2016) underscores the educational achievement of Board members. States with defined qualifications ($n=71$) had greater percentages of board members with high school degrees, bachelor's degrees, and law degrees. States without statutory qualifications ($n=85$) had higher percentages of Board members with Master's degrees and Ph.Ds. Overall, the survey indicated the educational achievements of Board members were as follows: 10% with high school diplomas, 38% with bachelor degrees, 22% with Master's degree, 21% with J.D. degrees, and 6% with Doctoral degrees. Regarding specialized training, NIC provides annual training for new Parole Board members and Chairs. As well, the annual APAI training conference provides information regarding key issues in parole, both domestically and internationally. Further, the National Parole Resource Centre provides technical assistance on specific topics to U.S. state Parole Boards. Rhine, Petersilia & Reitz (2016) propose the following: *The eligibility standards for becoming a parole board member should by statute require: (a) the possession of a college degree in criminology, corrections, or a related social science, or (b) a law degree; and, (c) at least five years of work experience in corrections, the criminal justice/community corrections field, or criminal law. Consideration should be given to balancing the relevant competencies of board members, and the importance of including members with an expertise in victim awareness and the prison experience.*

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