

Myths & Facts: *Parole & Reentry*

	Myths...	...and Facts
1.	Parolees can live their life as they wish upon release.	Being on parole does not mean that parolees can do as they wish. They must keep the peace, meet regularly with a parole officer, and follow their recommendations.
2.	Parole Boards only assign release conditions for high risk offenders to follow.	Typically, the very nature of parole warrants the assignment of release conditions for parolees. Moreover, conditions are related to risk, with higher risk offenders receiving more conditions.
3.	Even if parolees fail to abide by release conditions, they won't return to prison.	The very nature of parole dictates that parolees have legally binding conditions to follow or they can be returned to prison even if they have not committed new crimes.
4.	Parole Boards are in charge of community supervision.	Only some Parole Boards actually have functional supervision of parole staff that supervise parolees. More often, parole supervision is completed by corrections staff.
5.	Parole Boards cannot assign supervision conditions to offenders released at the end of their sentence.	In some jurisdictions, even if the actual timing of release is determined by statute, Parole Boards are required to assign conditions of release.
6.	Parole Boards can dictate where an offender lives, where they work, and with whom they live.	Parole Boards cannot dictate where they work or live (unless it is with a pro-criminal person). Conditions of parole can only require non-association with people with criminal records and that the parolee be employed or seek work.
7.	Parole Boards are responsible for reentry failure given the high rates of technical violations.	Parole supervision involves a level of discretion regarding whether technical violations warrant a return to prison. Criminal recidivism is more indicative of reentry failure.
8.	Parole supervision decreases public safety.	Recent research has demonstrated that skilled parole officers using Core Correctional Practices actually reduce rates of re-offending.
9.	Technical violations by parolees are equivalent to new crimes and reflect a failure in the system.	Serious breaches can lead to re-incarceration but technical violations such as missing curfew or a breach of an abstinence requirement should not be equated with new crimes.
10.	Parolees with mental health problems or addictions shouldn't be paroled because of lack of adequate services in the community.	Various legislation changes in many jurisdictions provide additional resources to assist in reentry support for offenders with special needs. Such offenders are not necessarily higher risk and may be suitable for release on parole, with appropriate supervision.

Introduction

Recent research by the Urban Institute (Solomon, Kachnowski, & Bhati, 2005) and the Pew Charitable Trusts (2013) have raised the issue of parole effectiveness. A primary expectation is that parole contributes to the overall success of the criminal justice system by selecting appropriate cases for early release and by assigning appropriate release conditions to best manage offenders' risk in the community. In essence, parole is supposed to enhance offender reentry.

Recent research raising concerns of parole effectiveness, however, are not without limitations. Work by Solomon and colleagues is dated, using a dataset more than 20 years old. Extrapolating the results of this study to the current parole situation may be problematic as parole decision-making and community supervision practices and policies are markedly different today.

More recently, the report produced by the Pew Charitable Trusts equated technical violations with new arrests. When doing so, failure rates of parolees and end of sentence cases are comparable. This is problematic, however, as end of sentence cases are not required to meet supervision conditions, and, more importantly, a technical violation such as a missed curfew or appointment hardly seems equivalent to an arrest for a new crime. Nonetheless, such research underscores the need of Releasing Authorities (RAs) to more convincingly demonstrate the utility and efficacy of parole.

Few studies have controlled for offender risk, meaning that it is possible that RAs "cherry pick" good cases for release, which explains why recidivism rates for paroled offenders are lower in comparison to those released at the end of their sentence. Stivers' (2001) research is important as it did control for offender risk and demonstrated some improvement in parolee outcomes compared to cases not granted parole. Recently, Connecticut has demonstrated that the application of a structured parole decision framework (Serin, Gobeil, & Sutton, 2009) augmented reentry outcomes. Following the implementation of the framework, parole grant rates dropped slightly, but importantly, parolee recidivism rates dropped to 7% from 22%, suggesting parole may in fact support improved offender reentry (Wardrop & Serin, in press).

Just the Facts

1. A key requirement of a parolee is to meet the conditions of release; otherwise, they risk return to custody for a technical violation. They must keep the peace, meet regularly with a parole officer, and follow their recommendations. Clearly, parolees cannot simply do as they please. At the same time, Releasing Authorities should strive to keep supervision conditions to a minimum and to make them specific to criminogenic needs so that technical violations are not frivolous or unnecessary in the management of offender risk.
2. Release conditions are a strategy to manage offender risk. National surveys (Travis & Stacey, 2010) have indicated that, on average, parolees are required to follow 15 conditions upon release. At the same time, researchers have raised concerns that excess release conditions undermine the utility of parole given high violation rates (Petersilia, 2001). Various experts recommend that release conditions be linked to offender risk and need, such that conditions increase with the level of offender risk and are specific to criminogenic factors (Burke & Tonry, 2006; Rhine, Petersilia, & Reitz, 2016).
3. As noted above, Parole Officers and Paroling Authorities have discretion regarding the application of sanctions in the case of offenders' failure to abide by conditions of supervision.

Frequent and more serious breaches of conditions can lead to an offender being re-incarcerated. Increasingly, Paroling Authorities and parole field services utilize review sanction grids and graduated guidelines to best address public safety concerns and reentry requirements (The Robina Institute; Ruhland, Rhine, Robey, & Mitchell, 2016; 78%). Revocation options include re-incarceration for the original term, in-prison programming, re-incarceration for short jail sentence, assignment of additional conditions, and return to parole.

4. The Kinnevy and Caplan (2009) survey confirms that not all Paroling Authorities are in charge of supervising parolees. Specifically, 53.2% of RAs have full authority over parole supervision while 31.9% have no authority over parole supervision. Given that quality supervision can reduce re-offending by approximately 13% (Chadwick, DeWolf, & Serin, 2015), it is problematic that RAs without supervision oversight are still vulnerable to criticism regarding parolee outcome.
5. Approximately 50% of U.S. states have authority to release prior to maximum time served (i.e., discretionary release), although this varies somewhat based on index crime. More serious crimes require a greater percent of sentence to be served. Also, over 50% of the states require community supervision upon release. Notably, the portion of offenders subject to mandatory community supervision also varies by crime category. In summary, regardless of release timing and circumstance (discretionary versus statutory), about half of offenders are required to follow release conditions. Over 80% of RAs with authority regarding the assignment of the conditions of parole indicate that they set conditions for all offenders across crime categories. Regarding conditions, Rhine, Petersilia, and Reitz (2016) propose: *Parole supervision conditions should be as few in number as necessary, given public safety concerns, and tailored to the specific needs and risks associated with the offender. Supervision conditions and resources should be concentrated for each person on the first few months after release, and supervision agents should have greater authority than they currently do to modify conditions to facilitate offender motivation. Parole supervision fees should be abolished or severely limited.*
6. Legally, RAs cannot restrict parolees' living situation without a justifiable rationale. Exceptions could include not living near a past victim, or in the case of sex offenders, near potential victims such as living near schools. Similarly, RAs cannot dictate type of employment or associations, unless they contribute to an offender's risk to reoffend (i.e., associating with known criminals). Typically RAs assign broad conditions, with the details being managed by parole officers.
7. Petersilia (2001) remarked on the challenges of parolee reintegration, highlighting that in some jurisdictions, such as California, more than 50% of jail and prison admissions were for technical violations. In essence, we were re-incarcerating individuals that had not committed new crimes. From a public safety perspective, some might argue this in fact prevents at-risk individuals from committing new crimes. However, increasingly, RAs are developing graduated sanction methods to address this high violation phenomenon (The Robina Institute, (Ruhland, Rhine, Robey, & Mitchell, 20162016). Encouragingly the Robina Institute survey indicated that due process is routinely provided at parole revocation hearings including: the parolee may be present and participate in the hearing (97%), disclosure of evidence (87%), receiving a written decision (76%), and having legal representation (71%).
8. Despite few specific studies regarding parole efficacy, there is research that underscores that parole officers which demonstrate specific knowledge and skills (referred to as Core Correctional Practice, CPP; Dowden & Andrews, 2004) yield better client outcomes. A recent review of

multiple studies has demonstrated, on average, the use of CCP reduced recidivism rates by 13% (Chadwick, DeWolf, & Serin, 2015).

9. The Pew Charitable Trusts study (2013) notes parolee return rates (technical violations and new crimes) equal to that of end of sentence offender outcomes (new crimes), 38% and 39% respectively, implying equivalence between technical violations and new crimes. Given that some conditions (e.g., fee payment for supervision, curfew, travel restrictions, etc.) are relatively unrelated to public safety concerns, violation of such conditions could be viewed as being fairly innocuous. The Robina Institute (Ruhland, Rhine, Robey, & Mitchell, 2016) survey notes that 78% of parole field services uses a progressive sanctions grid or a guidelines-informed approach in their response to sentence violations by supervised releases. Appropriately, these grids consider seriousness of violation (85%), parolee risk level (81%), parolee criminogenic needs (58%), and violation (50%) and sanction history (50%). The most common response to parole violations is the restoration of parole (89%), often with a change in conditions (86.5%), reincarceration (75.7%), and placement in a residential treatment program (73%).
10. A meta-analysis by Bonta, Law, and Hanson (1998), indicates that mental health problems (lifetime diagnosis) do not increase risk of violent re-offending among offenders. A more detailed review does indicate certain features do increase risk among offenders with mental disorder: acute symptoms (Swanson et al., 2006) and comorbidity with substance use and antisocial personality disorder (Porporino & Motiuk, 1995).

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