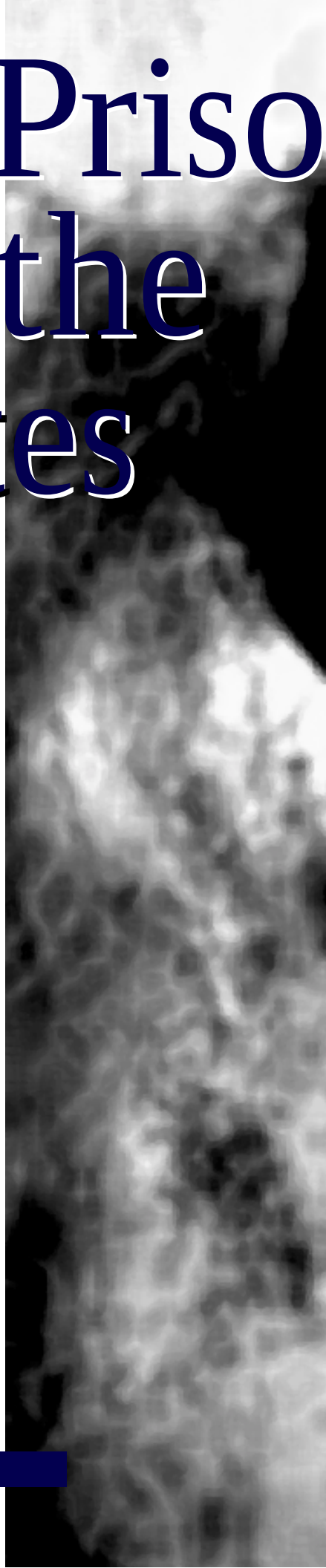
Parole and Prison Reentry in the United States



Editor's Note: This is the first part of a two part article. Part two of this article will appear in the Fall 2000 issue of Perspectives. Citations for both parts will be included at the end of part two.

Introduction

PUBLIC ANGER AND FRUSTRATION OVER CRIME CONTINUE to produce significant changes in the American criminal justice system, but reforms focused on parole are among the most profound. Parole, which is both a procedure by which a board administratively *releases* inmates from prison and a provision for post-release *supervision*, has come to symbolize the leniency of the system, where inmates are "let out" early. When a parolee commits a particularly heinous crime, such as the kidnapping and murder of 13-year-old Polly Klaas by California parolee Richard Allen Davis, or the horrifying rape and murder of four-year-old Megan Kanka in New Jersey by a paroled sex offender, the public is understandably outraged and calls for "abolishing parole."

State legislatures have responded. By the end of 1998, 14 states had abolished early release by a parole board for all offenders, and several others had restricted its use. California still allows discretionary release by a parole board, but only for offenders with indeterminate life sentences (e.g., first-degree murder, kidnap for ransom) (Ditton and Wilson 1999). Even in states that have retained parole, parole boards have become more hesitant to grant it. In Texas, for example, 57 percent of all cases considered for parole release in 1988 were approved; but by 1998, that figure had dropped to just 20 percent (Fabelo 1999).

The argument for abolishing parole is that it will lead to longer prison sentences and greater honesty in sentencing decisions. George Allen, former Governor of Virginia, made abolishing parole a major campaign issue, and one of his first acts once elected Governor in 1994, was to eliminate that state's discretionary parole system for violent offenders. He wrote that:

> The principle that has guided our efforts is honesty. Easy-release rules prevented judges and juries from pre-empting the community's judgement about proper punishment for illegal conduct. Under the new law, judges do not have to play guessing games when imposing sentences. Police officers do not have to see the criminals out on the streets only a year after their last arrest. Criminals know they cannot beat the system. Crime victims and their families are finally seeing that justice is done (Allen, 1997:22).

But correctional experts argue that while abolishing parole may make good politics, it contributes to bad correctional practices—and ultimately, less public safety. As Burke (1995:11) notes, parole makes release from prison a privilege that must be earned. When states abolish parole or reduce the amount of discretion parole authorities have, they in essence replace a rational, controlled system of "*earned*" release for *selected* inmates, with "*automatic*" release for nearly *all* inmates. Proponents argue that the public doesn't understand the tremendous power that is lost when parole is abandoned. Through the exercise of its discretion, parole boards can actually target more violent and dangerous offenders for *longer* periods of incarceration.

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Burke, (1995:11) writes:

> The absence of parole means that offenders simply walk out of the door of prison at the end of a pre-determined period of time, no questions asked. No human being asks the tough questions about what has been done to make sure this criminal is no longer a danger before he is released.

In fact, the case of Richard Allen Davis is a perfect example. The California Board of Prison Terms (the Parole Board) knew the risks he posed, and had denied him parole in each of the six instances where his case had been reviewed. But once California abolished discretionary parole release, the Board of Prison Terms no longer had the authority to deny release to inmates whose new standard sentence mandated automatic release after serving a set portion of their terms. Release dates were calculated by the computer for thousands of prisoners then in custody, and when it was determined that Mr. Davis had already served the amount of prison time that the new law required, he had to be released. Less than four months later, he murdered Polly Klaas. California parole officials suspect that had the state not abolished parole, Mr. Davis would have never been released (Burke 1995). Similarly, the case of the murderer of Megan Kanga was never heard by a parole board, rather he went out of prison under mandatory release.

Eliminating parole boards also means that several of its important ancillary purposes are also eliminated. Parole boards have the ability to "individualize sentencing," and as such can provide a review mechanism for assuring greater uniformity in sentencing across judges or counties. Parole boards can also take into account changes in the offender's behavior that might have occurred after he or she was incarcerated. Imprisonment can cause psychological breakdowns, depression or mental illnesses, and the parole board can adjust release dates to account for these changes. Finally, abolishing parole boards also eliminates the major mechanism by which overcrowded prisons can quickly reduce populations. As parole expert Vincent O'Leary once observed: "Most people start out reforming parole, but when you pull that string you find a lot more attached"(Wilson 1977:49).

A few states have not only abolished parole release, but have also considered abolishing parole supervision (often referred to as the "other" parole). In Maine, the legislature not only abolished the parole board but also abolished parole supervision. Similarly, when Virginia abolished parole release, they also abolished parole supervision. Unless the judge remembers to impose a split sentence with a term of probation to follow prison, when offenders leave prison in Virginia, they have no strings at all. If you abolish parole supervision along with parole release, you lose the ability to supervise or provide services to released inmates when they have the highest risk of recidivism and are most in need of services.

Several states that once abolished discretionary parole release have re-established its equivalent. North Carolina, which placed severe constraints on its parole commission in 1981, has gradually restored some of its previous discretion. Florida, which adopted sentencing guidelines in 1983 and abolished parole, has now returned the function under the new name, Controlled Release Authority. Colorado abolished discretionary parole release in 1979 and reinstated it six years later. Elected officials, along with law enforcement and corrections professionals, lobbied to reinstate parole release and supervision after data suggested that the length of prison sentence served had actually decreased following the elimination of parole, and the ability to provide surveillance or treatment of high-risk offenders had significantly declined. As Bill Woodward, then-director of the Division of Criminal Justice in Colorado, noted: "the problem with abolishing parole is you lose your ability to keep track of the inmates and the ability to keep them in treatment if they have alcohol and drug problems" (Gainsborough 1997:12).

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-Beck, 1999

Today, all states except Maine and Virginia have some requirement for post-prison or parole supervision, and nearly 80 percent of all released prisoners in 1997 were subject to some form of conditional community or supervised release (Ditton and Wilson 1999). However, some states have changed its name to distance themselves from the negative image that "parole" has. For example, post-prison supervision is called "control release" in Florida, "community control" in Ohio, "supervised release" in Minnesota and the federal system, and "community custody" in Washington. Regardless of its name, however, parole supervision has changed significantly during the past decade, as national support for parole-as-rehabilitation has waned.

Parole officers readily admit they have fewer services to offer an ever-growing population of offenders. Safety and security have become major issues in parole services (Lynch, 1998), and parole officers are now authorized to carry weapons in two-thirds of the states (Camp and Camp 1997). Parole officers in most large urban areas are now more surveillance- than services- oriented, and drug testing, electronic monitoring and verifying curfews are the most common activities of many parole agents (Petersilia 1998b).

Parole was founded primarily to foster offender reformation rather than to increase punitiveness or surveillance. Abandoning parole's historical commitment to rehabilitation worries correctional professionals. The reality is that more than nine out of ten prisoners are released back into the community, and with an average (median) U.S. prison term served of 15 months, half of all inmates in U.S. prisons today will be back on the streets in less than two years (Beck 1999). The transition from prison back into the community is exceedingly difficult, and recidivism rates are highest in the first year following release. A study by the Bureau of Justice Statistics found that 25 percent of released prisoners are rearrested in the first six months, and 40 percent within the first year (Beck and Shipley 1989).

To assist in this high-risk time period, parole has historically provided job assistance, family counseling and chemical dependency programs (although arguable, parole has never provided enough of these services).

But, punitive public attitudes, combined with diminishing social service resources, has resulted in fewer services provided to parolees.

Until recently, the lines were drawn between tough-on-crime "abolitionists" and parole-as-rehabilitation "traditionalists." Politicians continued to shout "abolish parole," while corrections professionals asked for more money to invest in services and surveillance, and the two seemed worlds apart. Over the last year, however, politicians seem to be listening more closely to the professionals, as parole – or more precisely, *failure* on parole – is creating severe fiscal pressures on state prisons' budgets. A greater number of parolees are failing supervision and being returned to prison, and as a result, contributing disproportionately to prison crowding and the continued pressure to build more prisons. As New York Assemblyman Daniel L. Feldman recently put it: "Lock 'em up and throw away the key attitudes are coming back to haunt state legislators across the nation" (Carter 1998:2).

In California, for example, where 104,000 adults are now on parole (one out of every seven U.S. parolees), nearly 80 percent are failing to successfully complete supervision (Austin and Lawson 1998). Parole violators accounted for 65 percent of all California prison admissions in 1997, and 41 percent of prison admissions were for violations of the technical conditions of parole, rather than for the conviction of new crimes (Austin and Lawson 1998). It should be noted, however, that a technical violation does not mean the inmate was not engaged in criminal behavior. It may be that the inmate was arrested for a criminal charge but in lieu of prosecution, was revoked and returned to custody. In fact, the vast majority of these technical violations (82 percent) have an underlying criminal charge (Austin and Lawson 1998).

When revoked to prison, California inmates spend an additional three to four months in prison prior to being re-released (Little Hoover Commission 1998). Recent analyses suggest that such "high parole revocation rates presents an enormous waste of prison resources and does not fit the mission of a traditional state prison system (i.e. the long-term confinement of sentenced felons)" (Austin and Lawson 1998:13). California has, for the first time since abolishing parole release in 1977, called for a statewide reassessment of the state's parole services and revocation policies (Legislative Analysts Office 1998).

Parole, a system that developed in the U.S. more by accident than by design, now threatens to become the tail that wagged the correction's dog. Prison populations continue to rise, more offenders are required to be on parole supervision, where fewer services and work programs exist due to scarcity of resources (often diverted from parole services to fund prison expansion). A greater number of parole violations (particularly drug use) are detected through monitoring and drug testing, and parole authorities have increasingly less tolerance for failure. Revocation to prison is becoming a predictable (and increasingly short) transition in the prison-to-parole and back-to-prison revolving door cycle. Correctional leaders, joined by many elected officials, are increasingly asking: "Must they all come back?"

Of course, answering that question is exceedingly complex. We would need to know what kinds of programs reduce recidivism for offenders with different needs. Would more intensive surveillance lower recidivism, and how intense must it be to make a difference? What combination of conditions, surveillance and treatment would get the best results? Once we have identified programs that make a difference, we would have to ask a number of additional questions. For example, should we mandate that parolees participate in needed treatment, or simply make it available to those who volunteer? How long should parole last? Should some parolees be kept on "banked" caseloads, with no services or supervision, simply to expedite their return to prison if they commit new crimes? What difference does caseload size make, and which kinds of officers are more successful with which kinds of clients?

These are tough questions, and sound-bite attacks on parole aren't very helpful in answering them. We need to begin a serious dialogue aimed at "reinventing" parole in the U.S. so that it better balances the public's need to hold offenders accountable with the need to provide services to released offenders. To begin that dialogue, we need to first assemble information on what is known about parole in the U.S. That is the purpose of this essay.

Section I begins by describing sources of U.S. adult parole data. This essay does not describe juvenile data or practices. Section II discusses the early evolution of parole in the U.S., and its use in modern sentencing practices. This section reviews the dramatic changes in parole release that resulted from the nation's skepticism about the ability of prisons to rehabilitate. Section III describes the current parole population. It presents trend data on the growth of the parole population, and what are known about parolee's crimes, personal backgrounds and court-ordered conditions. It also presents data on the average size of parole caseloads, offender contact requirements and annual costs of supervision. Section IV is devoted to describing the offender's needs as he or she transitions to the community, and what services are available to meet these needs. This section also outlines the civil disabilities that apply to ex-convicts. Section V assesses parole outcomes, reviewing parole completion and recidivism rates. Section VI discusses some current thinking on how to reform parole, and identifies some of the more promising parole programs. Section VII presents concluding remarks. Note: Sections V-VII will appear in the Fall 2000 issue of *Perspectives*.

I. Sources of Parole Infomation

Various agencies within the U.S. Department of Justice collect most of the available information regarding current parole practices and parolee characteristics.

The National Institute of Corrections (NIC) has supported periodic surveys since 1990 that describe parole board practices in the U.S. (Rhine et al. 1991) and whether states currently have discretionary parole release (National Institute of Corrections 1995). The nation's major parole associations, the American Probation and Parole Association (APPA), the American Correctional Association (ACA) and the Association of Paroling Authorities, International (APAI) also have conducted periodic studies (Burke (1995), Rhine, Smith and Jackson (1991), and Runda, Rhine & Wetter (1994)). The Bureau of Justice Assistance (BJA) recently published a survey of state sentencing practices, including information on state's parole practices (Austin 1998).

Most of what we know about U.S. parolee characteristics comes from the Bureau of Justice Statistics (BJS), the statistical arm of the U.S. Department of Justice. Since the early 1980s, BJS has reported on the number of persons entering and exiting parole through its "National Corrections Reporting Program." This series collects data nearly every year on all prison admissions and releases and on all parole entries and discharges in participating jurisdictions.

The Bureau of Justice Assistance's "National Probation and Parole Reporting Program" gathers annual data on state and federal probation and parole counts and movements and the characteristics of persons under the supervision of probation and parole agencies. Published data include admissions and releases by method of entry and discharge. BJS also sponsors censuses, usually conducted every five to six years, describing the agencies that have control of persons serving a criminal sentence. The "Census of State and Local Probation and Parole Agencies," first conducted in 1991, gathers data on the agency organizational location,

staffing, expenditures and programs. Finally, BJS conducts surveys of jail and prison inmates (usually done every five years), that ask offenders whether they were on parole at the time of the arrest that led to their current conviction.

Parole wasn't always such a minimal topic of data collection and research. Between 1965-1977, the National Council on Crime and Delinquency (NCCD) directed the "Uniform Parole Reports" project, which collected arrest, conviction and imprisonment data on parolees. Analyses of this data helped researchers to improve methods for predicting parolee behavior (Gottfredson, Hoffman and Sigler 1975). The NCCD data collection effort was discontinued in 1977, and no similar effort replaced it.

At about the same time, The U.S. Board of Parole undertook a major research study to develop parole guidelines, which incorporated offense seriousness and risk of recidivism (Gottfredson, Wilkins and Hoffman, 1978). This research tracked released federal prisoners, and used the recidivism data to create an actuarial device, which in turn, was applied to each inmate to create a "Salient Factor Score" (SFS). The SFS provided explicit guidelines for release decisions based on a determination of the potential risk of parole violation (Hoffman and DeGostin 1974). The SFS was adopted by the U.S. Parole Board in 1972, and remained in use until the abolition of parole at the federal level in 1997.

Beyond these early studies and the minimal descriptive data that is now collected, there has been scant attention paid parole from the research or scholarly community. We have very few parole program evaluations or research studies of the parole process and its impact on offenders. The National Institute of Justice (NIJ), the research arm of the U.S. Department of Justice, has funded most of what has been conducted, which includes evaluations of drug testing for high risk parolees in Texas (Turner and Petersilia 1992); intensive parole supervision in Minnesota (Deschenes, Turner and Petersilia 1995); work release in Washington (Turner and Petersilia 1996a); and the effects of providing work training and day programs to parolees (Finn 1998a; Finn 1998b; Finn 1998c).

Parole has never attracted much scholarly interest, although there are a few notable exceptions, for example (von Hirsch and Hanrahan 1979), (Bottomly 1990), (Rhine et al. 1991), (McCleary 1992), (Simon 1993), (Richards 1995), (Abadinsky 1997), (Lynch 1998) and (Cromwell and del Carmen 1999).

II. The Origins and Evolution of Parole in the U.S.

A. Early Foundations and Growth of Parole

Parole comes from the word French word *parol*, referring to "word" as in giving one's word of honor or promise. It has come to mean an inmate's promise to conduct him or herself in a law-abiding manner and according to certain rules in exchange for release. In penal philosophy, parole is part of the general 19th-century trend in criminology from punishment to reformation. Chief credit for developing the early parole system is usually given to Alexander Maconochie, who was in charge of the English penal colony at Norfolk Island, 1,000 miles off the coast of Australia, and to Sir Walter Crofton, who directed Ireland's prisons (Cromwell and del Carmen 1999).

Maconochie criticized definite prison terms and developed a system of rewards for good conduct, labor and study. Through a classification procedure he called the mark system, prisoners could progress through stages of increasing responsibility and ultimately gain freedom. In 1840, he was given an opportunity to apply these principles as superintendent of the Norfolk Island penal settlement in the South Pacific. Under his direction, task accomplishment, not time served, was the criterion for release. Marks of commendation were given to prisoners who performed their tasks well, and they were released from the penal colony as they demonstrated willingness to accept society's rules. Returning to England in 1844 to campaign for penal reform, Maconochie tried to implement his reforms when he was appointed governor of the new Birmingham Borough Prison in 1849. However, he was unable to institute his reforms there because he was dismissed form his position in 1851 on the grounds that his methods were too lenient (Clear and Cole 1997).

Walter Crofton attempted to implement Maconochie's mark system when he became the administrator of the Irish Prison System in 1854. Crofton felt that prison programs should be directed more toward reformation, and that "tickets-of-leave" should be awarded to prisoners who had shown definitive achievement and positive attitude change. After a period of strict imprisonment, Crofton began transferring offenders to "intermediate prisons" where they could accumulate marks based on work performance, behavior and educational improvement. Eventually they would be given tickets-of-leave and released on parole supervision. Parolees were required to submit monthly reports to the police, and a police inspector helped them find jobs and generally oversaw their activities. The concepts of intermediate prisons, assistance and supervision after release were Crofton's contributions to the modern system of parole (Clear and Cole 1997).

By 1865, American penal reformers were well aware of the reforms achieved in the European prison systems, particularly in the Irish system. At the Cincinnati meeting of the National Prison Association in 1870, a paper by Crofton was read, and specific references to the Irish system were incorporated into the Declaration of Principles, along with other such reforms as indeterminate sentencing and classification for release based on a mark system. Because of Crofton's experiment, many Americans referred to parole as the Irish system (Walker 1998)

Zebulon Brockway, a Michigan penologist, is given credit for implementing the first parole system in the U.S. He proposed a two-pronged strategy for managing prison populations and preparing inmates for release: indeterminate sentencing coupled with parole supervision. He was given a chance to put his proposal into practice in 1876 when he was appointed superintendent at a new youth reformatory, the Elmira Reformatory in New York. He instituted a system of indeterminacy and parole release, and is commonly credited as the father of both in the United States. His ideas reflected the tenor of the times – a belief that criminals could be reformed, and that every prisoner's treatment should be individualized.

On being admitted to Elmira, each inmate (males between the ages of sixteen and thirty) was placed in the second grade of classification. Six months of good conduct meant promotion to the first grade – misbehavior could result in being placed in the third grade, from which the inmate would have to work his way back up. Continued good behavior in the first grade resulted in release. Paroled inmates remained under the jurisdiction of authorities for an additional six months, during which the parolee was required to report on the first day of every month to his appointed volunteer guardian (from which parole officers evolved) and provide an account of his situation and conduct (Abadinsky 1997). Written reports became required and were submitted to the institute after being signed by the parolee's employer and guardian.

Indeterminate sentencing and parole spread rapidly through the United States. In 1907, New York became the first state to formally adopt all the components of a parole system: indeterminate sentences, a system for granting release, post-release supervision and specific criteria for parole revocation. By 1927, only three states (Florida, Mississippi and Virginia) were without a parole system, and by 1942, all states and the federal government had such systems (Clear and Cole 1997).

The percentage of U.S. prisoners released on parole rose from 44 percent in 1940 to a high of 72 percent in 1977, after which some states began to question the very foundations of parole, and the number of prisoners released in this fashion began to decline (Bottomly 1990). As shown in Figure 1, just 28 percent of prison releases were paroled in 1997, the lowest figure since the federal government began compiling statistics on this issue (Ditton and Wilson 1999). Mandatory releases—the required release of inmates at the expiration of a certain time period—now surpass parole releases. And if one adds the "expiration releases," where the inmate is released after serving his full sentence, there is even a bigger imbalance between discretionary parole and mandatory release (28 percent vs. 57 percent).

Parole, it seemed during the first half of the 20th century, made perfect sense. First, it was believed to contribute to prisoner reform, by encouraging participation in programs aimed at rehabilitation. Second, the power to grant parole was thought to provide corrections officials with a tool for maintaining institutional control and discipline. The prospect of a reduced sentence in exchange for good behavior encouraged better conduct among inmates. Finally, release on parole, as a "back end" solution to prison crowding was important from the beginning For complete historical reviews, see (Simon, 1993) and (Bottomly 1990).

The tremendous growth in parole as a concept, however, did not imply uniform development, public support or quality practices. As (Bottomly 1990) wrote, "it is doubtful whether parole ever really operated consistently in the United States either in principle or practice." Moreover, Bottomly notes that parole-as-rehabilitation was never taken very seriously, and from its inception, prison administrators used parole primarily to manage prison crowding and reduce inmate violence.

Despite its expanded usage, parole was controversial from the start (Rothman 1980). A Gallup poll conducted in 1934 revealed that 82 percent of U.S. adults believed that parole was not strict enough and should not be as frequently granted (The Gallup Organization 1998). Today, parole is still unpopular, and a recent survey shows that 80 percent of Americans favor making parole more difficult to obtain (The Gallup Organization 1998). A comparable percentage is opposed to granting parole a second time to inmates who have previously been granted parole for a serious crime (Flanagan 1996). On the other hand, the public significantly underestimates the amount of time inmates serve, so their lack of support for parole reflects that misperception (Flanagan 1996).

Nonetheless, over time, the positivistic approach to crime and criminals—which viewed the offender as "sick" and in need of help—began to influence parole release and supervision. The rehabilitation ideal, as it came to be known, affected all of corrections well into the 1960s, and gained acceptance for the belief that the purpose of incarceration and parole was to change the offender's behavior rather than simply to punish. As Rhine (1996) notes, as the rehabilitative ideal evolved, indeterminate sentencing in tandem with parole acquired a newfound legitimacy. It also gave legitimacy and purpose to parole boards, which were supposed to be composed of "experts" in behavioral change, and it was their responsibility to discern that moment during confinement when the offender was rehabilitated and thus suitable for release.

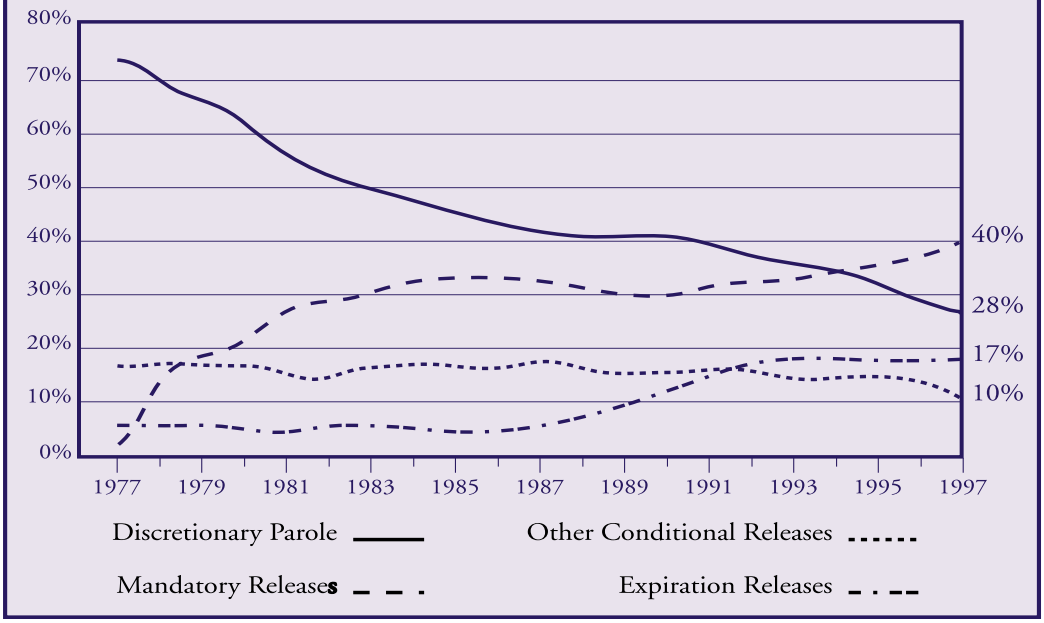
Parole boards, usually political appointees, were given broad discretion to determine when an offender was ready for release—a decision limited only by the constraints of the maximum sentence imposed by the judge. Parole boards—usually composed of no more than ten individuals—also have the authority to rescind an established parole date, issue warrants and subpoenas, set conditions of supervision, restore offenders' civil rights and grant final discharges. In most states, they also order the payment of restitution or supervision fees as a condition or parole release.

In the early years, there were few standards governing the decision to grant or deny parole, and decision-making rules were not made public. One of the long-standing criticisms of paroling authorities is that their members are too often selected based on party loyalty and political patronage, rather than professional qualifications and experience (Morse 1939).

In his book, *Conscience and Convenience*, David Rothman discussed the issue of discretionary decisions by parole boards. He reported that in the early 20th century, parole boards considered primarily the seriousness of the crime in determining whether to release an inmate on parole. However, there was no consensus on what constituted a serious crime. "Instead," Rothman wrote, "each member made his own decisions. The judgements were personal and therefore not subject to debate or reconsideration." (Rothman 1980:173) These personal preferences often resulted in unwarranted sentencing disparities or racial and gender bias (Tonry 1995). As has been observed, "no other part of the criminal justice system concentrates such power in the hands of so few" (Rhine et al. 1991:32-33).

Regardless of criticisms, the use

Figure 1
Percent of State Prisoners Relesed by Various Methods



Note: Discretionary paroles are persons entering the community because of a parole board decision. Mandatory releases are persons whose release from prison was not decided by a parole board. Includes those entering because of determinate sentencing statutes, good-time provisions, or emergency releases. Other conditional releases include commutations, pardons, and deaths. Expiration releases are those where the inmate has served his maximum court sentence. Source: Bureau of Justice Statistics, *National Prisoner Statistics*, selected years.

of parole release grew, and instead of using it as a special privilege to be extended to exceptional prisoners, it began to be used as a standard mode of release from prison, routinely considered upon completion of a minimum term of confinement. What had started as a practical alternative to executive clemency, and then came to be used as a mechanism for controlling prison growth, gradually developed a distinctively rehabilitative rationale incorporating the promise of help and assistance as well as surveillance (Bottomly 1990:325).

By the mid-1950s, the indeterminate sentencing coupled with parole release was well entrenched in the U.S., such that it was the dominant sentencing structure in every state, and by the late 1970s, more than 70 percent of all inmates released were as a result of parole board discretionary decision. And in some states, essentially everyone was released as a result of the parole board decision-making. For example, throughout the 1960s, over 95 percent of all inmates released in Washington, New Hampshire and California were released on parole (O'Leary 1974). Indeterminate sentencing coupled with parole release was a matter of absolute routine and good correctional practice for most of the twentieth century.

But all that was to change during the late 1970s, gaining increasing strength in the 1980s and 1990s, when demands for substantial reforms in parole practice began to be heard.

B. Modern Challenges and Changes to Parole

The pillars of the American corrections systems—indeterminate sentencing coupled with parole release, for the purposes of offender rehabilitation—came under severe attack and basically collapsed during the late 1970s and early 1980s. This period in penology has been well documented elsewhere and will not be repeated here. For an excellent review, see (Reitz 1998).

In summary, attacks on indeterminate sentencing and parole release seem to have centered on three major criticisms. First, there was little scientific evidence that parole release and supervision reduced subsequent recidivism. In 1974, Robert Martinson and his colleagues published the now-famous review of the effectiveness of correctional treatment and concluded that: "With few and isolated exceptions, the rehabilitative efforts that have been reported so far have had no appreciable effect on recidivism" (Lipton, Martinson and Wilks 1975). Of the 289 studies they reviewed, just 25 (8.6 percent) pertained to parole, and yet their summary was interpreted to mean that parole supervision (and all rehabilitation programs) didn't work.

The National Research Council reviewed the Martinson data and basically concurred with the conclusions reached (Sechrest, White and Brown 1979). Martinson's study is often credited with giving rehabilitation the *coup de grace*. As Holt (1998) notes, once rehabilitation could not be legitimated by science, there was nothing to support the "readiness for release" idea, and therefore no role for parole boards or indeterminate sentencing.

Second, parole and indeterminate sentencing were challenged on moral grounds as unjust and inhumane, especially when imposed on unwilling participants. Research showed there was little relationship between in-prison behavior, participation in rehabilitation programs and post-release recidivism (Glaser 1969). If that was true, then why base release dates on in-prison performance? Prisoners argued that not knowing their release dates held them in "suspended animation" and contributed one more pain of imprisonment.

Third, indeterminate sentencing permitted authorities to utilize a great deal of uncontrolled discretion in release decisions, and these decisions were often inconsistent and discriminatory. Since parole boards had a great deal of autonomy and their decisions were not subject to outside scrutiny, critics argued that it was a hidden system of discretionary decision-making and led to race and class bias in release decisions (Citizens' Inquiry on Parole and Criminal Justice, 1974).

It seemed as if no one liked indeterminate sentencing and parole in the early 1980s, and the time was ripe for change. Crime control advocates denounced parole supervision as being largely nominal and ineffective; social welfare advocates decried the lack of meaningful and useful rehabilitation programs. Several scholars, for example, James Q. Wilson, Andrew von Hirsch, and David Fogel, began to advocate alternative sentencing proposals.

James Q. Wilson, an influential scholar, argued that if there was no scientific basis for the possibility of rehabilitation, then the philosophical rationale for making it the chief goal of sentencing should be abandoned. He urged instead a revival of interest in the deterrence and incapacitation functions of the criminal justice system. He urged the abandonment of rehabilitation as a major purpose of corrections, and wrote: "Instead we could view the correctional system as having a very different function—to isolate and to punish. That statement may strike many readers as cruel, even barbaric. It is not. It is merely recognition that society must be able to protect itself from dangerous offenders…. It is also a frank admission that society really does not know how to do much else" (Wilson 1985:193).

Andrew von Hirsch provided a seemingly neutral ideological substitute for rehabilitation (Holt 1998). He argued that the discredited rehabilitation model should be replaced with a simple nonutilitarian notion that sentencing sanctions should reflect the social harm caused by the misconduct. Indeterminacy and parole should be replaced with a specific penalty for a specific offense. He believed that all persons committing the same crimes "deserve" to be sentenced to conditions that are similar in both type and duration, and that individual traits such as rehabilitation or the potential for recidivism should be irrelevant to the sentencing and parole decision. He proposed abolishing parole and adopting a system of "just deserts" sentencing, where similarly situated criminal conduct would be punished similarly (von Hirsch 1976).

David Fogel advocated a "justice model" for prisons and parole, where inmates would be given opportunities to volunteer for rehabilitation programs, but that participation would not be required. He criticized the unbridled discretion exercised by correctional officials, particularly parole boards, under the guise of "treatment." He recommended a return to flat time/determinate sentencing and the elimination of parole boards. He also advocated abolishing parole's surveillance function and turning that function over to law enforcement (Fogel 1975).

These individuals had a major influence on both academic and policy thinking about sentencing objectives. Together they advocated a system with less emphasis on rehabilitation and the abolition of indeterminate sentencing and discretionary parole release. Liberals and conservatives endorsed the proposals. The political left was concerned about excessive discretion that permitted vastly different sentences in presumably similar cases, and the political right was concerned about the leniency of parole boards. A political coalition resulted, and soon incapacitation and "just deserts" replaced rehabilitation as the primary goal of American prisons.

With that changed focus, the indeterminate sentencing and parole release came under serious attack, and calls for "abolishing parole" were heard in state after state. In 1976, Maine became the first state to eliminate parole. The following year, California and Indiana joined Maine in establishing determinate sentencing legislation and abolishing discretionary parole release. As noted, by the end of 1998, 14 states had abolished discretionary parole release for all inmates. Additionally, in 21

states parole authorities are operating under what might be called a sundown provision, in that they have discretion over a small or diminished parole eligible population. Today, just fifteen states have given their parole boards full authority to release inmates through a discretionary process (see Table 1).

Likewise, at the federal level, the Comprehensive Crime Control

Table 1 – Status of Parole Release in the U.S., 1998

	Parole Board Has Full Release Powers	Parole Board Has Limited Release Powers	If Parole Board Powers Are Limited, Crimes Ineligible for Discretionary Release	Discretionary Parole Abolished (Year Abolished)
Alabama	✔			
Alaska		✔		
Arizona				✔ (1994)
Arkansas		✔		
California		✔	Only for indeterminate life sentence	
Colorado	✔			
Connecticut		✔	Murders, capital felonies	
Delaware				✔ (1990)
Florida		✔	Certain capital/life felonies	
Georgia		✔	Several felonies	
Hawaii		✔	Punish. by life w/o parole	
Idaho	✔			
Illinois				✔ (1978)
Indiana				✔ (1977)
Iowa		✔	Murder 1, kidnap, sex abuse	
Kansas				✔ (1993)
Kentucky	✔			
Louisiana		✔	Several felonies	
Maine				✔ (1975)
Maryland		✔	Violent, or death pen. sought	
Massachusetts		✔	Murder 1	
Michigan		✔	Murder 1, 650+ g. cocaine	
Minnesota				✔ (1980)
Mississippi				✔ (1995)
Missouri		✔	Several felonies	
Montana	✔			
Nebraska		✔	Murder 1/life, kidnap/life	
Nevada	✔			
New Hampshire		✔	Murder 1	
New Jersey	✔			
New Mexico				✔ (1979)
New York		✔	"violent felony offenders'	
North Carolina				✔ (1994)
North Dakota	✔			
Ohio				✔ (1996)
Oklahoma	✔			
Oregon				✔ (1989)
Pennsylvania	✔			
Rhode Island	✔			
South Carolina	✔			
South Dakota		✔	None with life sentence	
Tennessee		✔	Murder 1/life, rapes	
Texas		✔	None of death row	
Utah	✔			
Vermont	✔			
Virginia				✔ (1995)
Washington				✔ (1984)
West Virginia		✔	No life without mercy	
Wisconsin		✔	No life without parole	*
Wyoming	✔			
Total	15	21		14
U.S. Parole				✔ (1984)

* Wisconsin abolished discretionary parole release in 1999 to go into effect on January 1, 2000 for crimes committed on or after that date.

Note: This information is from *Status Report on Parole, 1996, Results from an NIC Survey* (1997), and updated with information from Ditton and Wilson, 1999.

Act of 1984 created the U.S. Sentencing Commission. That legislation abolished the U.S. Parole Commission, and parole was phased out from the federal criminal justice system in 1997. Offenders sentenced to federal prison, while no longer eligible for parole release, are now required to serve a defined term of "supervised release" following release from prison (Adams and Roth 1998).

One of the presumed effects of eliminating parole or limiting its use is to increase the length of prison term served. After all, parole release is widely regarded as "letting them out early." Time served in prison has increased in recent years, but it is attributed to the implementation of Truth-in-Sentencing Laws rather than the abolition of parole boards. BJS data reveal no obvious relationship between type of release (mandatory vs. parole board) and actual length of time spent in prison prior to release. For all offense types combined the mean (average) time served in prison for those released from state prison in 1996 through "discretionary" (parole) methods was 25 months served; whereas for those released "mandatorily," the average (mean) time served in prison was 24 months (Ditton and Wilson 1999). Allen Beck, Chief of Corrections Statistics at the BJS, recently observed that ending parole by itself "has had no real impact on time served"(Butterfield 1999:11).

Offenders are, however, spending greater amounts of time in prison and on parole. These longer time periods may make it more difficult for offenders to maintain family contacts and other social supports, thereby contributing to their social isolation upon release. As Table 2 shows, the average (mean) time served among released state prisoners for all types of offenders has increased from an average of 20 months 1985 to 25 months in 1996. The median prison term served has increased from 14 months in 1985 to 15 months in 1996. Similarly, the length of time on parole supervision (for those successfully discharged) has increased, from an average of 19 months in 1985 to 23 months in 1996. The average time on parole for "unsuccessful exits" was 19 months in 1985 and 21 months in 1996 (Bureau of Justice Statistics 1998).

Even in states that did not formally abolish parole or restrict its use to certain serious offenses, the sentencing reform movement produced a significant diminution of parole boards' discretionary authority to release. Mandatory minimum sentencing policies now exist in every state and the federal government, and 24 states have enacted "Three Strikes, You're Out" laws that require extremely long minimum terms for certain repeat offenders (National Conference of State Legislatures 1996).

Perhaps most significantly, 27 states and the District of Columbia have established "truth-in-sentencing" laws, under which people convicted of selected violent crimes must serve at least 85 percent of the announced prison sentence. To satisfy the 85 percent test (in order to qualify for federal funds for prison construction), states have limited the powers of parole boards to set release dates, or of prison managers to award good time and gain time (time off for good behavior or for participation in work or treatment programs), or both. Truth-in-sentencing laws not only effectively eliminate parole but also most "good time."(Ditton and Wilson 1999)

Even in the 15 jurisdictions that give parole authorities discretion to release, most of them utilize formal risk prediction instruments (or parole guidelines) to assist in parole decision-making (Runda, Rhine and Wetter 1994). Parole guidelines are usually actuarial devices, which objectively predict the risk of recidivism based on crime and offender background information. The guidelines produce a "seriousness" score for each individual by summing points assigned for various background characteristics (higher scores mean greater risk). Inmates with the least serious crime and the lowest probability of reoffending (statistically) would then the first to be released and so forth. The use of such objective instruments helps to reduce the disparity in parole release decision-making, and has been shown to be more accurate than release decisions based on the case study or individualized method (Holt 1998). One half of U.S. jurisdictions now utilize formal risk assessment instruments in relation to parole release (Runda, Rhine and Wetter 1994).

III. A Profile of Parolees in the U.S.

A. Numbers of Parolees under Supervision

While discretionary parole release has declined, parole supervision remains in almost every state. And, as the size of the prison populations has risen, so too has the parole population. BJS reports that, at yearend 1997, there were 685,033 adults on parole in the U.S. Persons on parole represented 12 percent of the total 5.7 million persons who were incarcerated or on community supervision ("under correctional control") at yearend 1997 (Bureau of Justice Statistics 1998).

The growth in parole populations has slowed considerably in recent years, increasing just 1.3 percent in 1997, after growing 24 percent between 1990-1992. This is the smallest growth of any of the correctional populations and likely reflects a short-term lull in the growth of the parole population, primarily as a consequence of an increase in the average length of prison term being served as a result of truth-in-sentencing policies (Ditton and Wilson 1999).

Nearly a third (31.2 percent) of all persons on parole in the U.S. were in Texas or California. Texas led the nation with 109,437 adults on parole in 1997, followed by California with 104,409. In 1997, however, the parole population in Texas declined by 2.8 percent, while the California population increased by 4.9 percent. The District of Columbia has, by far, the greatest number of its resident population on parole supervision. In 1997, nearly 1.7 percent of all its residents were on parole supervision, compared to a national average of .03 percent (Bureau of Justice Statistics 1998).

B. Selected Characteristics of Parolees

As noted earlier, there is little available information on the characteristics of persons on parole. BJS reports some basic characteristics of those entering parole as part of its *National Corrections Reporting Program* series. In 1997, similar to other correctional populations, males constitute most of the parolee population (89 percent), although

Table 2: Time Served in Prison, Jail and on Parole, All Offense Types Combined, in months

	1985	1990	1996
Time Served in Jail Average (Mean)	6	6	5
Time Served in Prison Average (Mean)	20	22	25
Time Served on Parole	19	22	23
Total Months	44	50	53

Source: Data from the Bureau of Justice Statistic, *National Corrections Reporting Program*, 1985, 1990, 1996. Includes only offenders with a sentence of more than 1 year released for the first time on the current sentence. Time served on parole is for "successful" exits.

the percentage of female parolees increased from 8 percent in 1990 to 11 percent in 1997. The median age of the parolee population was 34 years, and the median education level was 11th grade, although 13 percent of parolees had an education level of below the 8th grade and an additional 45 percent, between the 9th and 11th grade level) (Bureau of Justice Statistics 1997). These characteristics have remained fairly constant since the early 1980s.

The only parolee characteristic that has changed in recent years appears to be conviction crime. In 1988 30 percent of first entries to parole were convicted of violence, but in 1997 that figure had dropped to 24 percent. In 1985 just 12 percent of those persons released to parole were convicted of drug crimes, whereas in 1997 that was true for 35 percent of first releases to parole (Beck 1999). Today, more than a third of all entrants to parole are convicted of drug related crimes (see Table 3).

Individual states sometimes publish descriptions of their parolees. For example, a recent report by the California Parole and Community Services Division reported the following (California Department of Corrections 1997):

- 85 percent of parolees were chronic substance abusers;
- 10 percent are homeless, but homelessness is as high as 30 to 50 percent in San Francisco and Los Angeles;
- 70-90 percent of all parolees were unemployed;
- 50 percent are functionally illiterate. Over half of all parolees read below the sixth grade level and therefore, could not fill out job applications or compete in the job market;
- 18 percent have some sort of psychiatric problem

IV. The Reentry Process and Parole Supervision

A. Administration of Parole Field Services

As noted earlier, parole consists of two parts: *parole boards* that have the authority to decide when to release prisoners and *parole field services* whose parole officers supervise offenders after their release. The major criticisms of parole release (e.g., lack of professionalism, unwarranted discretion and ineffectiveness) were also leveled at field supervision and caused major changes and reforms there as well.

One of the first and continuing reforms in parole field services have been to make them more independent of parole boards. Since the mid-1960s, states have increasingly moved parole field services away from being an arm of the parole board and into a separate agency. According to the American Correctional Association, the parole field service agency is housed under a separate agency in 41 states, usually in the state's department of corrections. Parole boards have responsibility for supervising parolees in only ten states (American Correctional Association, 1995).

Regardless of their administrative relationship, parole board directives heavily influence how parole agents carry out their duties and responsibilities. When setting the conditions of release, parole boards are in fact prescribing the goals it expects parole agents to pursue in the period of supervision. A 1997 survey by the Association of Paroling Authorities International shows that most parole boards are responsible for ordering community service, restitution, supervision fees, sex offender registration and treatment program participation (Association of Paroling Authorities International 1998). In addition, some parole boards also mandate drug testing, intensified supervision and participation in victim mediation programs.

In all states, the decision to revoke parole ultimately rests with the parole board. As such, parole boards set implicit and explicit criteria about which types of parole violations will warrant return to prison and, as such, heavily influence the types of behavior parole officers monitor and record. If, for example, failing a drug test is not a violation that will result in revocation to prison or any serious consequence by the parole board, parole agents will not administer drug tests as frequently since no consequence can be guaranteed (McCleary 1992). In this way, parole boards and parole field services are functionally interdependent.

B. Offender's Need for Services and Conditions of Parole Supervision

Persons released from prison face a multitude of difficulties in trying to successfully reenter the outside community. They remain largely uneducated, unskilled, and usually without solid family support systems—and now they have the added burden of a prison record and the distrust and fear that inevitably results. If they are African American and under age thirty, they join the largest group of unemployed in the

Table 3: Conviction Offenses of Persons Entering Parole, Selected Years

Most serious offense	First entries to parole supervision*				
	1988	1990	1992	1994	1996
All offenses	100%	100%	100%	100%	100%
Violent offenses	30.1	25.2	25.5	23.5	23.6
Homicide	3.8	3.0	2.7	2.3	2.1
Sexual assault	5.4	4.2	4.2	4.4	4.3
Robbery	13.7	11.2	10.7	8.7	8.9
Assault	6.3	5.8	6.6	6.9	6.0
Other violent	0.9	1.0	1.0	1.2	1.4
Property offenses	42.2	37.2	32.7	33.3	31.0
Burglary	20.8	17.5	14.8	14.5	12.9
Larceny/theft	10.2	9.6	8.4	8.5	8.1
Motor vehicle theft	2.9	2.7	2.7	3.1	2.7
Fraud	5.1	4.6	3.9	4.2	4.3
Other property	3.2	2.8	2.9	3.0	3.0
Drug offenses	19.2	28.2	31.1	31.6	34.7
Possession	6.0	8.6	8.2	7.0	10.0
Trafficking	10.4	15.6	19.3	19.5	19.5
Other	2.8	4.0	3.6	5.1	5.2
Public-order offense	7.1	8.1	9.8	10.5	10.0
Weapons	1.9	1.8	2.2	2.4	2.7
DWI/DUI	—	3.0	3.7	3.5	3.2
Other public-order	—	3.3	3.9	4.6	4.2
Other offenses	1.4	1.3	1.2	1.1	0.6

Source: Bureau of Justice Statistics, *National Corrections Reporting Program*, 1988, 1990, 1992. Unpublished data for 1994 and 1996.

* Based on parole entries who were released for the first time on the current offense and who had a maximum sentence of more than 1 year.

— Not available

country, with the added handicap of former convict status (Clear and Cole 1997). As Irwin and Austin write: "Any imprisonment reduces the opportunities of felons, most of whom had relatively few opportunities to begin with." (Irwin and Austin 1994:133)

Research has shown that parolees want the same things as the rest of us, although most believe they will not succeed (Richards 1995). Most aspire to a relatively modest, stable, conventional life after prison. "When I get out, I want to have my kids with me and have a good job so I can support them (Irwin and Austin 1994:126).

"At least 1,200 inmates every year go from a secure housing unit at a Level 4 prison—an isolation unit, designed to hold the most violent and dangerous inmates in the system—right onto the street. One day these predatory inmates are locked in their cells for 23 hours at a time and fed all their meals through a slot in the door, and the next day they're out of prison, riding a bus home."

-Schlosser 1998:51

The public too would like them to succeed. But what assistance are parolees given as they re-enter our communities? Sadly, while inmates' need for services and assistance has increased, parole in some (if not most) states has retreated from its historical mission to provide counseling, job training, and housing assistance.

An excellent ethnographic study of parole officers in California concludes that while "rehabilitation" remains in parole's rhetoric, as a practical matter, parole services are almost entirely focused on control-oriented activities (Lynch 1998). Agents have constructed the prototypical parolee as someone who generally chooses to maintain an involvement with crime, who needs no more than an attitude adjustment in order to get on the right tract, and who does not need the agent to provide intervention and services to facilitate reform. As Lynch observes: "In this way, while parole may talk of the need and capability for reform among their clientele, the agency can absolve itself of the responsibility to provide it"(Lynch 1998:857). Even when traditional rehabilitative tools are available to agents (e.g., drug treatment and counseling) they "are treated as rehabilitative in discourse, but are often used for coercive control in practice"(Lynch 1998:860).

Services and Parole Conditions. Of course, what help parolees receive differs vastly depending on the state and jurisdiction in which they are being supervised. But as states put more and more of their fiscal resources into building prisons, fewer resources are available for parole services. And, as noted earlier, the public has become less tolerant and forgiving of past criminal transgressions, as well as more fearful of particular offenders (e.g., sex offenders). This sentiment has translated into both stricter requirements for release and stricter supervision as well as revocation procedures once released.

In California, for example, there are few services for parolees. There are only 200 shelter beds in the state for more than 10,000 homeless parolees, four mental health clinics for 18,000 psychiatric cases, and 750 beds in treatment programs for 85,000 drug and alcohol abusers (Little Hoover Commission 1998). Under the terms of their parole, offenders are often subjected to periodic drug tests. But they are rarely offered any opportunity to get drug treatment. Of the approximately 130,000 substance abusers in California's prisons, only 3,000 are receiving treatment behind bars. And of the 132,000 inmates released last year in California, just 8,000 received any kind of pre-release program to help them cope with life on the outside. As was recently reported:

Inmates are simply released from prison each year in California, given nothing more than $200 and a bus ticket back to the county where they were convicted. At least 1,200 inmates every year go from a secure housing unit at a Level 4 prison—an isolation unit, designed to hold the most violent and dangerous inmates in the system—right onto the street. One day these predatory inmates are locked in their cells for 23 hours at a time and fed all their meals through a slot in the door, and the next day they're out of prison, riding a bus home.(Schlosser 1998:51)

The national picture is almost as disturbing. The Office of National Drug Control Policy (ONDCP) recently reported that 70-85 percent of state prison inmates need substance abuse treatment, however, just 13 percent will receive any kind of treatment while incarcerated (McCaffrey 1998).

All parolees are required to sign an agreement to abide by certain regulations. Conditions can generally be grouped into standard conditions applicable to all parolees and special conditions that are tailored to particular offenders. Special conditions for substance abusers, for example, usually include periodic drug testing. Standard conditions are similar throughout most jurisdictions, and violating them can result in a return to prison. Common standard parole condition sare:

- Report to the parole agent within 24 hours of release
- Not carry weapons
- Report changes of address and employment
- Not travel more than 50 miles from home or leave the county for more than 48 hours without prior approval from the parole agent
- Obey all parole agent instructions
- Seek and maintain employment, or participate in education/work training
- Not commit crimes
- Submit to search by the police and parole officers.

Some argue that we have created unrealistic parole conditions. Boards were asked in 1988 to indicate from a list of 14 items, which were standard parole conditions in their state. The most common, of course, was "obey all laws." However, 78 percent required "gainful employment" as a standard condition, 61 percent "no association with persons of criminal records," 53 percent "pay all fines and restitution," and 47 percent "support family and all dependents," none of which can consistently be met by most parolees (Rhine et al. 1991). Increasingly, the most common condition for probationers and parolees is drug testing. It is estimated that more than one-third of all community correctional clients have court-ordered drug testing conditions (Camp and Camp 1997).

In October 1998, the state of Maryland began ordering every drug addict released on parole or probation to report for urine tests twice a week in an ambitious attempt to force about 25,000 criminals statewide to undergo drug treatment or face a series of quick, escalating punishments. The project, known as "Break the Cycle," is based on the theory that frequent drug testing coupled with swift, graduated punishments for drug use will force more addicts off drugs than the threat of long jail terms or treatment programs alone ever could. The state anticipates that more than a million tests annually may be required to make the plan work, compared with the 40,000 tests the state administered last year (Pan 1998).

Seeing that the parolee lives up to this parole contract is the principle responsibility of the parole agent. Parole agents are equipped with legal authority to carry and use firearms, to search places, persons and property without the requirements imposed by the Fourth Amendment (i.e., the right to privacy), and to order arrests without probable cause and to confine without bail. The power to search applies to the household where a parolee is living and businesses where a parolee is working. The ability to arrest, confine and in some cases re-imprison the parolee makes the parole agent a walking court system (Rudovsky et al. 1988).

Parole Classification and Caseload Assignment. When a parolee first reports to the parole field office, they are usually interviewed for the purposes of being assigned to a caseload. Most jurisdictions rely on a formal approach to classification and case management with respect to parolee supervision. Such systems recognize that not all offenders are equal in their need for supervision. A recent parole survey found that 90 percent of the states use a classification system for assigning parolees to different levels of supervision (Runda, Rhine and Wetter 1994).

Most often, this assignment is based on a structured assessment of parolee risk and an assessment of the needs or problem areas that have contributed to the parolee's criminality. By scoring information relative to the risk of recidivism and the particular needs of the offender (i.e., a risk/need instrument) a total score is derived, which then dictates the particular level of parole supervision (e.g., intensive, medium, minimum, administrative). Each jurisdiction usually has established policies that dictate the contact levels (times the officer will meet with the parolee). These contact levels correspond to each level of parole supervision. The notion is that higher risk inmates and those with greater needs will be seen most frequently (e.g., on "intensive" caseloads). These models are described as "management tools," and are not as devises to reduce recidivism directly (Holt 1998).

Larger parole departments have also established "specialized caseloads" to more effectively supervise certain types of offenders. These offenders generally pose a particularly serious threat to public safety or present unique problems that may handicap their adjustment to supervision. Specialized caseloads afford the opportunity to match the unique skills and training of parole officers with the specialized needs of parolees. The most common specialized caseloads in the U.S. are those that target sex offenders and parolees with serious substance abuse problems, although as shown in Table 4, fewer than 4 percent of all parolees are supervised on specialized caseloads.

Cases are then assigned to parole officers' and comprise an officer's caseload. Table 4 contains the latest information on these characteristics for U.S. parolees.

Table 4 shows that over 80 percent of U.S. parolees are supervised on regular caseloads, averaging 69 cases to 1 parole officer, in which they are seen face-to-face less than twice per month. Officers may also conduct "collateral" contacts, such as contacting family members or employers to inquire about the parolee's progress. Many parole officers are frustrated because they lack the time and resources to do the kind of job they believe is maximally helpful to their clients. Parole officers often complain that paperwork has increased, clients have more serious problems and caseloads are much higher than the 35 to 50 cases that have been considered the ideal caseload for a parole officer. However, there is no empirical evidence to show that smaller caseloads result in lower recidivism rates (Petersilia and Turner 1993).

One important implication of larger caseloads and the reduction in the quality of client supervision is the increased potential for lawsuits arising from negligent supervision (del Carmen and Pilant, 1994). In a 1986 case, the Alaska Supreme Court ruled that state agencies and their officers may be held liable for negligence when probationers and parolees under their supervision commit violent offenses (*Division of Corrections v. Neakok*, 1986). Thus, parole officers are increasingly at risk through tort actions filed by victims harmed by the crimes committed by their offender-clients. Some have argued that this legal threat will eventually force states to invest more heavily in parole supervision.

Parole Revocation. If parolees fail to live up to their conditions, they can be revoked to custody. Parole can be revoked for two reasons: (1) the commission of a new crime or (2) the violation of the conditions of parole (a technical violation). Technical violations pertain to behavior that is not criminal, such as the failure to refrain from alcohol use or remain employed.

In either event, the violation process is rather straightforward. Given that parolees are technically still in the legal custody of the prison or parole authorities, and as a result maintain a quasi-prisoner status, their constitutional rights are severely limited. When parole officers become aware of violations of the parole contract, they notify their supervisors who can rather easily return a parolee to prison.

Table 4 - Parole Caseload Supervision Level, Contacts, and Annual Costs

Caseload Type	% of All Parolees	Average Caseload Size	Face to Face Contacts	Annual Supervision Cost
Regular	82%	69:1	1.6 /month	$1,397
Intensive	14%	27:1	5.1 /month	$3,628
Electronic Monitoring	0.7%	25:1	5.7 /month	$3.628
Specialized	3.7%	43:1	4.4/month	$4,080

Source: Camp & Camp (1997).

Parole violations are an administrative function that is typically devoid of court involvement. However, parolee's do have some rights in revocation proceedings. Two U.S. Supreme Court cases, *Morrissey v. Brewer* (1972), and *Gagnon vs. Scarpelli* (1973) are considered landmark cases of parolee rights in revocation proceedings. Among other things, *Morrissey* and *Gagnon* established minimum requirements for the revocation of parole boards, forcing boards to conform to some standards of due process. Parolees must be given written notice of the nature of the violation and the evidence obtained, and they have a right to confront and cross examine their accusers.

B. Changing Nature of Parole Supervision and Services

Historically, parole agents were viewed as paternalistic figures that mixed authority with help. Officers provided direct services (e.g., counseling). They also knew the community, and brokered services (e.g., job training) to needy offenders. As noted earlier, parole was originally designed to make the transition from prison to the community more gradual, and during this time, parole officers were to assist the offender in addressing personal problems, searching for employment and a place to live. Many parole agencies still do assist in these service activities. Increasingly, however, parole supervision has shifted away from providing services to parolees and more towards monitoring and surveillance activities (e.g., drug testing, monitoring curfews and collecting restitution).

A recent survey of 22 parole agencies shows that 14 provide job development help, seven offer detoxification services and 13 offer substance abuse treatment, yet all do drug testing (Camp and Camp 1997). Historically, offering services and treatment to parolees was commonplace but such services are dwindling.

There are a number of reasons for this shift. For one, a greater number of parole conditions are being assigned to released prisoners. In the federal system, for example, between 1987 and 1996, the proportion of offenders required to comply with at least one special supervision condition increased from 67 percent of entrants to 91 percent (Adams and Roth 1998). Parolees in state systems are also more frequently being required to submit to drug testing, complete community service and make restitution payments (Petersilia and Turner 1993).

Parole officers work for the corrections system, and if paroling authorities are imposing a greater number of conditions on parolees, then field agents must monitor those conditions. As a result, modern-day parole officers have less time to provide other services, such as counseling, even if they were inclined to do so.

It is also true that the fiscal crisis experienced in most states has reduced the number of treatment and job training programs in the community-at-large. Additionally, given the fear and suspicion surrounding ex-convicts, these persons are usually placed at the end of the waiting lists. The ability to broker services to parolees, given the scarcity of programs, has become increasingly difficult. If there is one common complaint among parole officers in the US, it is the lack of available treatment and job programs for parolees. At the end of the 1960s, when the country had more employment opportunities for blue collar workers than it does now, there was some movement to reduce the employment barriers. Studies revealed a full-time employment rate of around 50 percent for parolees (Simon 1993). Today, full time employment among parolees is rare.

The main reason, however, that services are not delivered to most parolees is that parole supervision has been transformed ideologically from a social service to a law enforcement system. Just as the prison system responded to the public's demands for accountability and justice, so did parole officers.

Feely and Simon (1992) argue that over the past few decades, a systems analysis approach to danger management has come to dominate parole, and that it has evolved into a "waste management" system rather than one focused on rehabilitation. In their model, those in the dangerous class of criminals are nearly synonymous with those in the larger social category of the underclass, a segment of the population that has been abandoned to a fate of poverty and despair. They suggest that a "new penology" has emerged, one that simply strives to manage risk by use of actuarial methods. Offenders are addressed not as individuals but as aggregate populations. The traditional correctional objectives of rehabilitation and the reduction of offender recidivism have given way to the rational and efficient deployment of control strategies for managing (and confining) high-risk criminals. Surveillance and control have replaced treatment as the main goals of parole.

Newly hired parole officers often embrace the surveillance versus rehabilitation model of parole, and embrace the quasi-policing role that parole has taken on in some locales. Twenty years ago, social work was the most common educational path for those pursuing careers in parole. Today, the most common educational path is criminal justice studies—an academic field spawned in the 1960s to professionalize law enforcement (Parent 1993). Parole agents began to carry concealed firearms in the 1980s. Firearms are now provided in most jurisdictions and represent a major investment of training resources, agent time and administrative oversight (Holt 1998).

The programming innovations likewise represent a theme of control and supervision rather than service and assistance. Parolees are held more accountable for a broader range of behavior including alcohol and substance abuse, restitution, curfews and community service.

As Irwin and Austin (1994:129) put it: "Instead of helping prisoners locate a job, find a residence or locate needed drug treatment serves, the new parole system is bent on surveillance and detection. Parolees are routinely and randomly checked for illegal drug use, failure to locate or maintain a job, moving without permission, or any other number of petty and nuisance-type behaviors that don't conform to the rules of parole."

In addition to the limitations set out in the parole contract and enforced by the parole officer, parolees face a growing number of legal restrictions or "civil disabilities." Ironically, these civil disabilities often restrict the parolee's ability to carry out one of the most common parole requirements—that of remaining employed. The next section reviews the most common of these restrictions.

C. Civil Disabilities & Injunctions of Convicted Felons

While the services available to assist parolees have decreased, the structural obstacles concerning their behavior have increased. Under federal law and the laws of many states, a felony conviction has consequences that continue long after a sentence has been served and parole has ended. For example, convicted felons lose essential rights of citizenship, such as the right to vote and to hold public office, and may be restricted in their ability to obtain occupational and professional licenses. Their criminal record may also preclude them from parenting, be grounds for divorce and they may be barred from serving on a jury, holding public office and firearm ownership. These statutory restrictions or civil disabilities serve as punishments in addition to the conviction and sentence imposed by the court.

A recent survey shows that after a period where states were becoming

less restrictive of convicted felons' rights, the "get tough movement" of the 1980s add the effect of increasing the statutory restrictions placed on parolees. Between 1986 and 1996, state legal codes reveal an increase in the extent to which states restrict the rights and opportunities available to released inmates (Olivares, Burton, & Cullen, 1996).

A complete state-by-state survey of civil disabilities of convicted felons can be found in (Love and Kuzma 1996). These restrictions apply to all convicted felons and not separately to parolees. The most common restrictions are:

- Right to vote. Fourteen states permanently deny convicted felons the right to vote, whereas most others temporarily restrict this right until the sentence has been fulfilled. Eighteen states suspend the right to vote until the offender has completed the imposed sentence of prison, probation or parole (and paid all fines). Colorado is typical in this regard, and states that the "right to vote is lost if incarcerated, and automatically restored upon completion of sentence, including parole." California denies the right to incarcerated offenders and parolees, yet allows probationers to vote. Fellner and Mauer (1998) estimate that 1.4 million black males, or 13.1 percent of the black male adult population, are currently or permanently not able to vote as a result of a felony conviction. While most states have procedures for regaining the right to vote, it often requires a gubernatorial pardon.
- Parental Rights. Nineteen states currently may terminate the parental rights of convicted felons, if it can be shown that a felony conviction suggests a parent's unfitness to supervise or care for the child. Oregon and Tennessee require that the parent be incarcerated for a specified length of time (three years in Oregon and two years in Tennessee).
- Divorce. The use of a felony conviction to permit divorce exists in 19 states. In 29 jurisdictions, a felony conviction constitutes legal grounds for divorce. In 1996, ten states consider any felony conviction as sufficient grounds, whereas seven jurisdictions require a felony conviction and imprisonment to grant divorce.
- Public Employment. Public employment is permanently denied in six states: Alabama, Delaware, Iowa, Mississippi, Rhode Island and South Carolina. The remaining jurisdictions permit public employment in varying degrees. Of these states, ten leave the decision to hire at the discretion of the employer, while 12 jurisdictions apply a "direct relationship test" to determine whether the conviction offense bears directly on the job in question. But the courts have interpreted the "direct relationship" standard liberally. For example a California case (*Golde vs. Fox* found that conviction of possession of marijuana for sale was substantially related to business of real estate broker as it shows lack of honesty and integrity.
- Each state has its own particular professions that have been restricted to ex-convicts. In Colorado, for example, the professions of dentist, engineer, nurse, pharmacist, physician and realtor are closed to convicted felons. In California the professions of law, real estate, medicine, nursing, physical therapy and education are restricted. In Virginia the professions of optometry, nursing, dentistry, accounting, funeral director and pharmacy are professions generally closed to ex-felons.
- Right to Serve as a Juror. The right to serve as a juror is restricted permanently in 32 jurisdictions, and the remaining 20 states permit the right with consideration given to varying conditions. For example, ten states restrict the right only during sentence, while four jurisdictions impose an additional delay after sentence completion (e.g., from one year in the District of Columbia to ten years in Kansas).
- Right to hold public office. Seven states permanently deny elected office to persons convicted of specific crimes including bribery, perjury and embezzlement. Twenty states restrict the right to hold public office until the offender has completed his or her sentence of prison, probation or parole.
- Right to own a firearm. Thirty-one of 51 jurisdictions permanently deny or restrict the right to own or posses a firearm on any felony conviction. In contrast, the remaining 18 states deny the right to own or possess a firearm only for convictions involving violence.
- Criminal Registration. In 1986 only eight of 51 jurisdictions required offenders to register with a law enforcement agency upon release from prison. By 1998 every state required convicted sex offenders to register with law enforcement on release (Lieb, Quinsey and Berliner, 1998). These state registration schemes, so-called "Megan's laws," vary considerably with respect to the crimes for which registration is required, the duration of the registration requirement, and the penalty for failure to register. Illinois, for example, requires sex offenders and those convicted of first-degree murder against a victim under 18 years old to register. The registration typically lasts for a period of several years, but may extend for the life of the offender for certain crimes. In addition, California now requires sex offenders to provide blood and saliva samples for DNA testing.

Jonathan Simon (1993) notes that these civil disabilities have the effect of creating an inherent contradiction in our legal system. He writes that different laws may serve different purposes, but they must not contradict one another. Yet, in the U.S., we spend millions of dollars to rehabilitate offenders and convince them that they need to obtain legitimate employment and then frustrate whatever was thereby accomplished by raising legal barriers that may bar them absolutely from employment and its rewards. He also notes that structural changes in the U.S. have taken their toll on the very population from which most parolees come, and have, in turn, impacted agents' ability to do their job. Most notably, the loss of a solid industrial base over the past few decades, which has traditionally supplied jobs among poorer inner-city communities, has left urban parolees with few opportunities, and left agents with fewer venues in which to monitor and supervise their clients (Lynch 1998). ❐

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Don't miss part two of this article in the Fall 2000 issue of *Perspectives*. Part two will discuss parole outcomes, reviewing parole completion and recidivism rate as well as discussing some current thinking on how to reform parole and some of the more promising parole programs.