

## Keys to an Effective Parole Policy

by Marc A. Levin, Esq.  
Director, Center for  
Effective Justice

- **A Parole System is Justified.** Parole is justified because parole boards have additional information concerning an inmate's behavior while in prison that was not available at sentencing. Parole boards can also promote uniformity by effectively evening out disparate sentences for the same crime. Parole assists in managing prison growth and costs to taxpayers. Yet, some states have abolished parole or are considering doing so.
- **Parole Works for Less Serious Offenders.** An Urban Institute study found individuals with few prior arrests, public order offenders, and technical violators are less likely to be rearrested if supervised after prison.<sup>1</sup> For violent offenders, the same study found supervision did not improve outcomes compared with direct unsupervised release. Accordingly, it is particularly important that parole be maintained or implemented for low-risk, nonviolent offenders.
- **Adopt Sound Parole Guidelines.** Parole guidelines should consider individualized risk and severity of offense, providing a tool to account for individual factors affecting recidivism risk while also maintaining some degree of uniformity in time served among both inmates who have committed the same offense and offenses of similar severity.
- **Geriatric Release.** Geriatric inmates have three times the medical costs of non-geriatric inmates. Studies have shown that offenders over 60 have a minimal recidivism rate.<sup>2</sup> Of the states that have a geriatric release policy, many require an inmate to be within a year or less of death. Such schemes unjustifiably exclude incapacitated individuals who are no threat to the public.
- **Allow for Conditions of Parole.** Parole boards should be free to impose conditions of parole, including completion of a treatment program or electronic monitoring. The ability to impose conditions may lead to the successful parole of inmates who otherwise would have been turned down. Electronic monitoring is a particularly useful condition. A Florida study found offenders on GPS were 95 percent less likely to be revoked to prison than those not being monitored.<sup>3</sup>
- **Account for the Parole Candidate's Record in Prison.** Inmates who demonstrate good behavior, perform well in their work assignment and advance their educational status should receive more favorable consideration for parole. Washington state has adopted a policy of early release for high performing inmates with excellent results. Inmates released under the statute had fewer new convictions than comparable inmates released before the statute was adopted. A study determined there were savings of \$10,743 per offender through a shorter stay in prison and reduction in recidivism.<sup>4</sup>
- **Utilize Graduated Sanctions for Parolees to Reduce Technical Revocations.** In most states, a parolee can be revoked to prison for violating a rule of parole, even while not committing a new crime. These technical revocations result in a substantial number of prison intakes.

900 Congress Avenue  
Suite 400  
Austin, TX 78701  
(512) 472-2700 Phone  
(512) 472-2728 Fax  
[www.TexasPolicy.com](http://www.TexasPolicy.com)

Technical revocations can be reduced by using graduated sanctions where each technical violation is met with a swift and certain response such as increased reporting, a curfew, or even a shock-night in jail. One study found that a graduated sanctions program involving frequent drug testing reduced recidivism from 27 to 19 percent.<sup>5</sup> Some states and departments have adopted a matrix that matches the violation with the sanction, thereby providing useful guidance for supervision officers and preventing uneven responses to the same conduct. A study of the Ohio graduated sanctions grid found its adoption reduced the number of revocations.<sup>6</sup>

- **Use Night and Weekend Supervision.** Parole officers should, to the extent possible, check on high-risk parolees at night and on the weekend in their homes in addition to office visits. This practice has been proven to be successful in Maricopa and Pima County in Arizona.<sup>7</sup>
- **Implement a Presumptive Parole Date for Eligible Offenders.** A presumptive parole date allows the offender to be timely placed in a rehabilitation program necessary for release and participate in programming oriented around reentry. A presumptive parole date contingent on an inmate's good behavior also promotes efficiency for the parole board, which only considers once whether the nature of the crime makes the offender appropriate for parole.
- **Share Records with Law Enforcement.** Information sharing should permit law enforcement officers to know whether the person they pull over is on parole and their offense history.
- **Consolidate Offenders on Probation and Parole.** In some states offenders are on probation and parole simultaneously. This is an inefficient use of resources and the offender should be assigned solely to the supervision term that is longer.
- **Administrative Sanctions.** Georgia and Delaware have changed the law so probation officers can impose sanctions such as a curfew and increased reporting in response to violations. They can choose from a pre-approved menu of sanctions by the supervising agency. The parolee should be permitted to appeal the notice of violation issued by the parole officer within five days through an administrative review process within the department. A Georgia study found reductions of 70 percent or more in the average number of days that violators spent in local jails awaiting disposition of their violation cases.<sup>8</sup> Parole officers should be empowered to not only impose sanctions for bad behavior but also to offer positive incentives for good behavior, such as reducing reporting requirements, deferring a monthly payment, or removing a condition of parole. ★

<sup>1</sup> Amy L. Solomon, Vera Kachnowski and Avi Bhati, "Does Parole Work?: Analyzing the Impact of Postprison Supervision on Rearrest Outcomes," Urban Institute (31 Mar. 2005).

<sup>2</sup> Brett Trowbridge, PhD & JD, "Age and Recidivism: How Accurate are Our Predictions," *Washington Criminal Defense* (Nov. 2004) [http://www.trowbridgefoundation.org/docs/age\\_and\\_recidivism.pdf](http://www.trowbridgefoundation.org/docs/age_and_recidivism.pdf).

<sup>3</sup> William D. Bales, et. al., "Under Surveillance: An Empirical Test of the Effectiveness and Consequences of Electronic Monitoring," *Criminology and Public Policy* 5.1 (2006) 61-69.

<sup>4</sup> E.K. Drake and R. Barnoski, *Increasing Earned Release from Prison: Impacts of 2003 Law on Recidivism and Criminal Justice Costs* (Olympia, WA: Washington State Institute for Public Policy, 2008).

<sup>5</sup> Adele Harrell and John Roman, "Reducing Drug Use and Crime Among Offenders: The Impact of Graduated Sanctions," *Journal of Drug Issues*, 31 (1), (2001) 207-232.

<sup>6</sup> Brian Martin, *Examining The Impact of Ohio's Progressive Sanction Grid, Final Report* (Oct. 2008) <http://www.ncjrs.gov/pdffiles1/nij/grants/224317.pdf>.

<sup>7</sup> "Broken Windows" Probation: *The Next Step in Fighting Crime*, Manhattan Institute (Aug. 1999) [http://www.manhattan-institute.org/html/cr\\_7.htm](http://www.manhattan-institute.org/html/cr_7.htm).

<sup>8</sup> John Speir and Tammy Meredith, *An Evaluation of Georgia's Probation Options Management Act* (Atlanta: Applied Research Services, October 2007) [http://ars-corp.com/\\_view/PDF\\_Files/AnEvaluationofGeorgiasProbationOptionsManagementAct\\_FinalReport2007.pdf](http://ars-corp.com/_view/PDF_Files/AnEvaluationofGeorgiasProbationOptionsManagementAct_FinalReport2007.pdf).

